CONFERENCE ON DISARMAMENT

CD/PV.742
27 June 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-SECOND PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 June 1996, at 10 a.m.

President: Mr. Urrutia (Peru)

GE.96-62517 (E)

The PRESIDENT (translated from Spanish): I declare open the 742nd plenary meeting of the Conference on Disarmament.

On the list of speakers for today are the distinguished representatives of France, Viet Nam, Nigeria and Mexico. Once we have come to the end of the list of speakers I intend to submit to the Conference for a decision the request submitted by Singapore to participate in our work. I now call on the distinguished representative of France, Ambassador Bourgois.

Mrs. BOURGOIS (France) (translated from French): Mr. President, first of all allow me to congratulate you on taking over the presidency of the Conference on Disarmament at a decisive moment. We will need your experience and talents as we conclude negotiations which were embarked on in 1993. Your predecessor, to whom I pay tribute, guided our Conference with great skill which made it possible to take the historic decision to proceed at last to expand its membership. Maybe one success will lead us to another.

France's commitment to these negotiations is well known. The comprehensive nuclear-test-ban treaty will make it possible to achieve significant progress towards nuclear disarmament and non-proliferation. It must prohibit absolutely and for ever all nuclear weapon test explosions or any other nuclear explosion. It must provide States parties with a guarantee against any attempt to breach their undertakings, thanks to an effective verification system. It must aim to achieve universality. It must enter into force as soon as possible so that this venture cannot be considered as an illusion at the very moment when we complete it, nor, later on, as a lost opportunity.

Nuclear disarmament and non-proliferation are two indissociable goals. The preamble of the treaty should reflect in a balanced way the equal importance which we attach to these two issues. Let us make no mistake about this: the cessation of testing will put an end to the nuclear arms race. It will make the development of new sophisticated types of nuclear weapons impossible. The signature of the treaty and its ratification by a very large number of States will help to strengthen the international non-proliferation regime. Peace and security in the world will emerge strengthened from this twofold undertaking.

To achieve its aim the treaty must include an international regime to verify commitments which have been undertaken. On-site inspection is at the heart of this system. It constitutes the last resort and the ultimate guarantee. Quite certainly it must be a rare occurrence. Rare not because its triggering and implementation will be hampered, but because its very effectiveness will discourage potential cheats. That is the reason why States parties must not be prevented from using information obtained by national technical means. Information which may in some cases make up for possible limitations in the international monitoring system, in others underpin the data obtained through that system. If we want to be certain of compliance with the zero option, these means are necessary.

Finally, the nuclear-test-ban treaty must be universal and must enter into force as soon as possible. From the outset France has been in favour of

(Mrs. Bourgois, France)

a clause for entry into force including the member States of the Conference after expansion. France feels it necessary that all States with military nuclear capabilities subscribe to this treaty. But it has not forgotten the possibility that one of these States might not join the club and might indefinitely delay the date when the treaty takes effect. If that were to occur, the hopes of the international community would in the final analysis be dashed. This problem of entry into force has not been resolved. We are determined to find an acceptable solution.

Last Monday, Ambassador Ramaker tabled the final version of his draft treaty. On 11 June the President of the French Republic had already welcomed the first initiative taken by the Chairman of the Ad Hoc Committee. On 24 June I for my part congratulated the Ambassador of the Netherlands on the tabling of a revised text which constitutes the final attempt to reach consensus. I have said on many occasions that France would consider this treaty in the light of its national interests, but that it would also be guided by a resolve to achieve a result. It is in this spirit of compromise that we have painstakingly studied the proposal submitted by Ambassador Ramaker. Regarding the substance, we have to note that this draft is not perfect; that the emphasis in the preamble is placed more on nuclear disarmament than on non-proliferation; that it is difficult for us, for example, to "recognize" that this treaty will put an end to the improvement of nuclear weapons when we are not too certain exactly what this expression means; that the on-site inspection regime is difficult to trigger and to pursue; that the balance between the legitimate protection of national security interests and the need for a certain level of intrusiveness, which we are no more keen on than others, but which is a guarantee of the commitment we have undertaken, has now been modified. I could go on at length, as all the delegations present here could, but it is too late for that now. The time has come for us to reach agreement so that the treaty can be signed at the next United Nations General Assembly. So I have the honour to announce in this forum that France is prepared to adopt as it stands the draft treaty proposed by the Chairman of the Ad Hoc Committee on the CTBT in the form of working papers CD/NTB/WP.330 and 335, on the understanding that some adjustments are still necessary and that the formula for entry into force has to be adapted, as our recent debates have shown.

Let us for a moment look ahead to autumn 1996. Let us imagine the worst-case scenario - no treaty. What would happen if we were to demonstrate our inability to arrive at an agreement? The least that could happen would be that we would be criticized for a lack of responsibility. Worse still, only unilateral moratoriums, which by definition are more fragile than an international agreement, would then bind the nuclear Powers to a cessation of testing. The nuclear arms race might be resumed. New States would be tempted to acquire the power of nuclear weapons, without necessarily having proper control. What would happen to the commitments entered into by almost all of us in the 1995 declaration on principles and objectives in the field of non-proliferation and nuclear disarmament? What would happen to the programme subscribed to in that declaration, if we had not even been able to take an essential step in that programme? Peace, the security of the world would not have been improved. As it stands, the draft which has been submitted to us is certainly not the treaty which we would like to have seen, each of us here for

(Mrs. Bourgois, France)

different reasons, but it is the treaty that we can have now. The commitment entered into by my country here will surprise no one. It is fully in line with France's approach. It is further evidence of our active contribution to the efforts undertaken by the international community to promote nuclear disarmament and non-proliferation.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of France for her statement and the kind words she addressed to the Chair. The distinguished representative of Viet Nam, Ambassador Le Luong Minh, has the floor.

Mr. LE LUONG MINH (Viet Nam): Mr. President, first, allow me, on behalf of the Vietnamese delegation, to extend to you my most heartfelt congratulations on your assumption of the presidency of the Conference on Disarmament. I am convinced that with your experience and diplomatic skills, you will lead the Conference to great breakthroughs in the ongoing negotiations at this very important juncture. In discharging your important task, you can rest assured of my delegation's cooperation.

Speaking for the first time for Viet Nam as a full member of the Conference on Disarmament, I would like to take this opportunity to express our sincere appreciation of the efforts undertaken by His Excellency Ambassador Munir Akram of Pakistan and other previous Presidents and the coordinators of the different groups as well as the flexible attitudes of member delegations that contributed to the adoption of decision CD/1406 last week. With the adoption of this decision, an important part of the long-standing issue of expansion of the membership of the Conference has been resolved. It is the opinion of my delegation that the Conference should continue to consider this issue in an active manner so that all countries wishing to do so will soon be able to join the Conference.

As a peace-loving country, Viet Nam has always strongly supported and actively participated in international disarmament efforts, especially those aimed at eliminating all weapons of mass destruction, be they nuclear, biological or chemical, etc. Viet Nam is party to major multilateral disarmament treaties. It was among the early signatories of the Chemical Weapons Convention. As a South-East Asian country and member of ASEAN, it has actively joined the common efforts by ASEAN leading to the conclusion of the Treaty on the establishment of a nuclear-weapon-free zone in South-East Asia. With our limited ability in terms of personnel and expertise, we look forward to contributing our part to the current negotiations on a nuclear test ban. It should be noted in this connection that both the 1995 NPT Review and Extension Conference and the fiftieth session of the United Nations General Assembly have set 1996 as the deadline for the finalization of the text of the CTBT. We hope that intensified efforts will be made by the Conference during the few remaining weeks to achieve this goal. The conclusion of a nuclear test ban will be an important contribution to the non-proliferation regime. However, we must emphasize at this point that non-proliferation is not our final objective. We completely share the view already expressed by many delegations and by His Excellency the Minister for Foreign Affairs of the Republic of Indonesia, in his important statement before the Conference two days ago, that the treaty must also serve as a

(Mr. Le Luong Minh, Viet Nam)

basis for the pursuit of the objective of eliminating all nuclear weapons. Proceeding from this fundamental position, we associate ourselves with the proposal advanced by the Group of 21 for the establishment of an ad hoc committee on the item "Nuclear disarmament" after the Conference has completed work on the CTBT.

Viet Nam's desire to contribute to the work of the Conference dates back to the early 1980s, when it became a candidate soon after a decision of principle on expansion of the membership of the Conference was adopted. Representing Viet Nam as a new member of the Conference, with the apprehension of its full sovereign rights and its obligations, keeping in mind the goals of our foreign policy for peace, international cooperation and friendship with all countries, we look forward to cooperating with all other delegations in discharging the Conference's mandate, thus meeting the earnest desire of mankind for a world without wars, without weapons of mass destruction, and a world in which peace, friendship and cooperation will prevail.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Viet Nam for his statement and the kind words addressed to the Chair. The distinguished representative of Nigeria, Ambassador Abuah, now has the floor.

Mr. ABUAH (Nigeria): Mr. President, I wish to congratulate you as you assume the presidency of the Conference on Disarmament. It is our hope that your presidency can contribute to bringing the negotiations for a comprehensive test-ban treaty to a happy ending. Let me commend Ambassador Akram of Pakistan for the able manner in which he conducted the affairs of the Conference during his presidency.

The Conference is now at a critical juncture. After 30 months of negotiations, the Conference is expected, in the next 24 hours, to draw the curtain on the negotiation for a comprehensive nuclear-test-ban treaty. The negotiations have been long and arduous. Nerves have frayed and, in many negotiating sessions, some tension was unavoidable. The Chairman of the Ad Hoc Committee, Ambassador Jaap Ramaker, has worked tirelessly to produce a text which, in his judgement, represents a fair compromise.

Like his predecessors as Chairmen of the Ad Hoc Committee on a Nuclear Test Ban, namely Ambassador Miguel Marín Bosch of Mexico and Ambassador Ludwik Dembinski of Poland, we appreciate his effort. All of them and their many Friends and moderators contributed to the quest to fulfil the mandate of the Ad Hoc Committee. That mandate was to negotiate a "universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security".

Despite the long negotiations and the best efforts of many delegations, it is difficult to agree that the draft contained in working paper CD/NTB/WP.330 and the amendments in working paper CD/NTB/WP.335 before us are designed to achieve a nuclear test-ban treaty. The draft treaty is limited in

scope, as it does not cover a nuclear test ban. Similarly, it does not contribute effectively to nuclear non-proliferation and to the process of nuclear disarmament.

Yet we had expected that the section on the preamble would be strong on both nuclear disarmament and non-proliferation in all its aspects. This is not the case, as efforts to include the preamble the shared objective of many non-nuclear-weapon States for a phased programme of nuclear disarmament within a time-bound framework has been fiercely resisted. But this resistance defeats the objective enunciated in the NPT Review and Extension Conference of one year ago in which "nuclear-weapon States [reaffirmed] their commitment ... to pursue in good faith negotiations on effective measures relating to nuclear disarmament".

States parties to the CTBT will have to make financial commitments not undertaken in any other treaty. This is despite the fact that most of them have never acquired nuclear weapons and do not intend to do so. This is why we feel that the financial obligations imposed by the treaty's monitoring system should be balanced with provisions in the preamble that are strong on both nuclear disarmament and non-proliferation. Many of us will be paying for detecting the future tests of others without assurances that there will not be qualitative improvement in the weapon systems that exist today.

As regards the provision on entry into force, we have long advocated a simple numerical formula based on the membership of the Conference on Disarmament. We still believe, like many others, that this is the way forward for early entry into force. Failure to achieve early effectiveness of the treaty might damage the treaty, with negative consequences for any other nuclear-related treaties that may be negotiated.

We are still concerned about the composition of the Executive Council. We had stated in March 1996, and repeated our position many times since then, that Africa's representation in the Executive Council should reflect the number of States in that region. In addition, we had objected to the creation of a sixth region, which is a departure from the existing practice of five United Nations-recognized regions. While we recognize that all regions have peculiarities, these concerns could be accommodated in a non-discriminatory manner, without violating the established United Nations practice.

No doubt, this nuclear weapon explosion limitation treaty is important. It represents the first post-cold-war nuclear-related treaty to be concluded by the Conference. As such, it portends what we could expect in the realm of nuclear non-proliferation and disarmament in the near future. But there is still much ground to cover. Indeed, we have barely started the journey towards the elimination of nuclear weapons, a worthy and cherished goal of the international community. What should succeed the Ad Hoc Committee on a Nuclear Test Ban should be an ad hoc committee on nuclear disarmament, with an appropriate negotiating mandate. The objective is to negotiate a convention for the elimination of nuclear weapons.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Nigeria for his statement and the kind words addressed to the Chair. The distinguished representative of Mexico, Ambassador de Icaza, has the floor.

Mr. de ICAZA (Mexico) (translated from Spanish): Mr. President, it is a particular pleasure for my delegation to see you presiding over our work. We are familiar with your professionalism, we greatly appreciate your personal qualities and you may count on our resolute cooperation in your difficult and important task. It is only right to express our gratitude to the representative of Pakistan for the skill with which he chaired the Conference in the last four particularly critical weeks and for the important decisions to which he guided us.

We are 24 hours away from the deadline that we set ourselves for concluding the negotiations on a universal, international and effectively verifiable treaty for the comprehensive prohibition of nuclear tests, and we cannot conceal the deep concern that major differences still remain with regard to fundamental elements of the treaty, such as its purposes and objectives, the decision-making mechanisms for the verification system and entry into force. The Chairman of the Ad Hoc Committee and his delegation have made commendable efforts, which we greatly appreciate and value, to present us with a text that should facilitate agreement with the necessary adjustments following the vital political decisions.

Time is pressing and we are beginning to doubt that those political decisions will be taken in time. That would be serious, very serious, because we run the risk of dashing the hopes that the international community has placed in this negotiating forum. If in this time of détente we do not even manage to prohibit just the testing of weapons through nuclear explosions, then what hopes can there be of our reaching agreement on concrete measures for nuclear disarmament and one day attaining the objective of a world free of nuclear weapons? What hopes of curbing and reversing the nuclear arms race and banishing forever the nightmare of the possible annihilation of mankind? What hopes, if judging by what we have seen we do not even manage to reach an agreement that does not involve the dismantling of a single warhead, nor any change in the strategic plans and programmes of any nation? Here we are, then, stuck in a quagmire because we cannot set forth the aim of putting a stop once and for all to the development and qualitative improvement of nuclear weapons. In a quagmire because there is no agreement even on endorsing the undertakings that we entered into barely a year ago in the Review and Extension Conference on the Non-Proliferation Treaty concerning a programme of action to reduce nuclear weapons at the world level with the ultimate objective of eliminating them. In a quagmire because we cannot find a balance between the need for credible monitoring mechanisms that will inhibit the temptation to violate the nuclear test ban and the legitimate desire to avoid unnecessary intrusion. In a quagmire, finally, because of the determination of some delegations to demand requirements for entry into force that are not realistic and would delay it unduly, if not make it impossible.

It is time to reflect and recall what the international community expects of us. We have to conclude, in the next 24 hours, a treaty that will place a

(Mr. de Icaza, Mexico)

curb on the qualitative development of nuclear weapons, an effective measure for non-proliferation and a major step in a phased programme to bring about the total elimination of nuclear weapons. A treaty that is effectively verifiable and has at least some chance of entering into force in a reasonable time-frame. It is time to cooperate and it is time for flexibility. The time has come to adopt a worthwhile treaty that will be in keeping with our mandate and the trust that has been placed in us.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Mexico for his statement and the kind words addressed to the Chair. The distinguished representative of Cuba, Ambassador Caballero, has the floor.

Mr. CABALLERO (Cuba) (translated from Spanish): Mr. President, as a son of Latin America and a member of the Group of 21, we are happy to see you presiding over our Conference at such a crucial time. We are convinced that all your diplomatic skill will be brought to bear to achieve what we are all hoping for at this stage - to end our negotiating process and, within 24 hours, say to the world that we have managed to agree on a negotiated text. We also would like to express our satisfaction at the way in which our friend Ambassador Akram of Pakistan presided over the work of the Conference during the last four weeks. We had the pleasure, as coordinator of the Group of 21, of working with him over that period and seeing him display that subtle diplomacy, that skill, that spirit of understanding which characterizes him, enabling him to pave the way for difficult decisions we took during his term of office.

As we have already said, Cuba is amongst those countries that wished to close this session of our Conference with a treaty as we all wish. From the beginning, our country expounded before the Conference how much Cuba hoped that this would be a treaty placing a complete ban on nuclear tests. From the beginning we said how much we felt that this exercise was tied up with the aspiration of mankind as a whole, the disappearance of nuclear weapons from the face of the Earth. Truly, at this point in time we are worried, both in the informal process of negotiations and here in the Conference. There is talk of a spirit of compromise, there is talk of flexibility; we have witnessed all the efforts that the Chairman of the Committee, Ambassador Ramaker, has been making in order to narrow the differences that still separate us on various aspects addressed by the treaty, and unfortunately, just today, we have heard in this room, 24 hours before our Conference concludes, the prevailing concerns.

We have many worries, we have voiced them all in the negotiating process that Ambassador Ramaker has been carrying out together with a large number of delegations who are most directly concerned. We will have an opportunity to refer to them in detail, but we would just like to illustrate our worries with an example. There is a subject that should not be a controversial issue in the negotiating process on the treaty. It is an important subject, it is a subject that has the support of the entire international community. We are referring to the relationship between the prohibition of nuclear testing and the environment. On this issue the United Nations General Assembly at its last session adopted resolution 50/70 M which received the majority support,

(Mr. Caballero, Cuba)

the overwhelming support of the international community, more than 150 votes in favour. This is a subject that was brought before the General Assembly by my country, but which became the non-aligned issue and which received the backing of practically the entire international community.

Obviously, we are aware of the relationship that exists between the General Assembly and our forum of the Conference on Disarmament; nevertheless, we think that everything that is approved there with such a level of support interprets the feelings of the international community. The resolution said, in its preambular part, in one of the paragraphs, "mindful of the detrimental environmental effects of the use of nuclear weapons"; in another paragraph it went on to say "conscious of the positive potential implications for the environment of a future comprehensive nuclear-test-ban treaty"; then this same resolution, in the operative part, paragraph 1, said "invites the Conference on Disarmament to take every necessary measure to include in negotiating treaties and agreements on disarmament and arms limitation the corresponding environmental norms, with a view to ensuring that the process of implementation of such treaties and agreements is environmentally sound, in particular the destruction of weapons covered by them". In another operative paragraph, the resolution said, "calls upon the Conference on Disarmament to conclude, as a task of the highest priority, a comprehensive nuclear-test-ban treaty as soon as possible in 1996".

We must make it clear that during our negotiating process, some countries upheld national interests, note was taken of them and attempts were made to accommodate these national interests. Our demand is not exactly a national interest on the part of Cuba. Of course, the subject of the environment enjoys the highest priority in my country. To that end, a ministry dedicated to the conservation and care of the environment has been created. Consequently, our demand takes up a demand of the international community. We know about all the efforts that are being made. We are greatly indebted to the Chairman of our Committee for the CTBT for the last-ditch efforts he is making so that our treaty contains a reference to the relationship between the banning of nuclear testing and the environment. We are optimistic. We know that only a few hours are left, but we trust that with the support that we are being given by the Chairman of the Committee, and the efforts of some ambassadors, we will manage to find a compromise on a subject that not only received the overwhelming backing of the international community at the General Assembly, but also in this very room.

I think it would be really highly regrettable if afterwards we had to answer to the international community and explain why our treaty was not able to accommodate a subject to which they attached so much importance. I do not know what facts we could cite to explain to the international ecological movement that we were unable to mention in the treaty the relationship between the halting of nuclear tests and the environment. As we are optimists, we are convinced that it will not be necessary to give an explanation to the international community and to all those in the world who are concerned for the environment. We say this because we still trust that there is a possibility that our treaty will have a specific reference to this relationship.

The PRESIDENT (translated from Spanish): I thank the distinguished Ambassador of Cuba for his statement and for the kind words addressed to the Chair. I call on the distinguished representative of Pakistan, Ambassador Akram.

Mr. AKRAM (Pakistan): I have asked for the floor to make a short statement, just for the record. I would like to refer to the letter addressed to the President of the Conference, contained in document CD/1407 of 17 June 1996. I would like to clarify Pakistan's position on the contents of this letter. The contents of this letter are the undertakings of those States which have signed it. They do not reflect the position of my country, nor can we associate ourselves in any manner with its contents. Pakistan cannot accept any linkage, implied or explicit, between certain specific provisions of the United Nations Charter, such as the scope of application of Chapter VII, and membership by States of international bodies, which is their inalienable and sovereign right. We cannot agree to any provision which seeks to compromise the principle of sovereign equality of States. I wish to state, for the record, that no unilateral declaration or commitment by any member State of this Conference, made either individually or collectively, can change or erode the rules of procedure of the Conference on Disarmament, especially the basis on which it adopts its decisions.

Mr. ZAHRAN (Egypt): I did not intend to ask for the floor today, but as we were expecting the end of the negotiations on the CTBT by the end of the second part of the CD session, I thought that before the end of this part, and under your able presidency, Sir, I would have to speak to congratulate you on your accession to the presidency of the Conference. I wish you well and I assure you of my full cooperation, and it happens that, under your presidency, I am assuming the coordinatorship of the Group of 21. So, it is a pleasure to work with you, Sir. In the meantime, I wanted to express my thanks and gratitude to your predecessor, Ambassador Munir Akram, for all the efforts he has devoted to the conduct of the Conference on Disarmament in the best manner.

During well over 30 years, efforts have been under way to achieve a comprehensive nuclear-test-ban treaty. At times it appeared that progress was within reach; at others, political realities made any kind of meaningful negotiations impossible. Three years ago, with conditions apparently ripe, the Conference on Disarmament agreed, by consensus, to set up an Ad Hoc Committee on a Nuclear Test Ban, which was given a mandate "to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security".

Today, we see that the results of the intensive consultations which have taken place here at the Conference on Disarmament fall short of Egypt's expectations. Still, we continue negotiating in good faith, having in mind that these expectations would be reflected in the text of the treaty.

(Mr. Zahran, Egypt)

To Egypt, a true CTBT is a treaty which bans all nuclear-weapon tests in all environments and for all time, thus contributing to both nuclear non-proliferation and nuclear disarmament. It is also a treaty which must constitute an important step in an overall process which must lead to the total elimination of all nuclear weapons.

To our regret, the deliberations we have recently had in the Ad Hoc Committee have clearly shown that the objectives mentioned above are not shared by all. These deliberations have shown that while a large number of countries favour a truly comprehensive test-ban treaty, there are some which do not wish to ban all testing or to commit themselves to ending the qualitative improvement and further development of their nuclear arsenals.

The treaty text which we have before us does not adequately reflect the major concerns voiced by Egypt as far as several of the major substantive issues of our negotiations are concerned. I do not wish, at this stage, to refer to all our concerns and our apprehensions, or to matters of detail in the treaty text, on which we hope that negotiations would be concluded by tomorrow at the latest. This needs a miracle but, simply, I wanted to point out some of the issues of concern.

First, the preamble in documents CD/NTB/WP.330 and CD/NTB/WP.335 does not contain a clear commitment to the aim of achieving complete nuclear disarmament in the process which we agreed to in the NPT Conference last year. We firmly believe that such a commitment would have enriched the text by identifying the treaty as one important step towards the ultimate goal of nuclear disarmament.

With respect to the scope of the treaty, we do not consider it reflects the requirements of comprehensiveness. While the scope language may be comprehensive in terms of the environment and in terms of all times, it is not comprehensive in terms of nuclear testing since it only bans explosive tests. To Egypt, a comprehensive test-ban treaty is one which bans all nuclear-weapon tests, whether explosive or otherwise.

On the important matter of on-site inspections, Egypt held the view that these should, once requested by a State party, proceed in the smoothest possible manner and only be halted if it is demonstrated that the request is baseless. Appropriate sanctions should be agreed to in cases of clearly frivolous or harassing requests. These have been reflected, indeed, in the new working paper of the Chairman of the Ad Hoc Committee, CD/NTB/WP.335. The "green light" approach adopted in the draft treaty working paper CD/NTB/WP.330 does not reflect Egypt's preferred position.

The issue of the use of national technical means (NTMs) is also a matter of preoccupation. While we agree that such means should have their place in the treaty and can be useful as a complement to the international monitoring system (IMS), we also consider that, given the fact that not all States have such means at their disposal, the potential for abuse or selectivity and partial use is present. This is why we think that NTMs can be used, only if screened by the IMS.

(Mr. Zahran, Egypt)

The entry-into-force formula should be in line with a simple numerical formula which should include all nuclear-capable States. Any formula to this end is acceptable to my delegation. The formula included in working paper CD/NTB/WP.330 is acceptable, but we will try our best to see to it that the concerns of some delegations are reflected also in that formula. But any formula should include, to our understanding, all nuclear-capable States, otherwise this treaty will lose credibility and will not be comprehensive.

Egypt regrets that the Executive Council composition, as reflected in the text of the Chairman, does not treat Africa in an equitable or balanced manner. On numerous occasions during our deliberations, Egypt has expressed concern over the limited number of seats attributed to Africa, which is, as compared to other groups, significantly underrepresented. These concerns have been ignored, as have those concerning the unprecedented regional grouping system which has found its way into the text proposed by the Chairman of the Ad Hoc Committee. We cannot accept the system of three regional groups. Asia was always one group, and in the Working Paper of the Chairman, it is divided. I think we have to follow the same grouping as in the United Nations, as we have said before.

These are some of our remarks and concerns at this stage, and we hope that, working together in a spirit of cooperation and dialogue with our colleagues from all the groups, we will be able to redress the provisions of the draft treaty to make them acceptable to all.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Egypt for his statement and the kind words addressed to the Chair. I call on the distinguished representative of the United States of America, Ambassador Ledogar.

Mr. LEDOGAR (United States of America): Our congratulations to you, Mr. President, and a pledge of full support from my delegation. The United States reaffirms that the declaration by the Group of 23, later published in CD/1407, and the commitments contained therein, is considered by the United States as being connected integrally and indivisibly to the Conference on Disarmament's consensus approval of CD/1406 on its expansion.

The PRESIDENT (translated from Spanish): I thank Ambassador Ledogar for his statement. Would any other delegation like to take the floor? Apparently not.

I would now like to turn to the request made by Singapore to participate as a non-member in the work of the Conference. In the consultations held it has emerged that it would be acceptable for delegations to deal with this request directly in plenary without holding any informal meeting, on the understanding that this does not create a precedent for the future with regard to similar requests that may arise. The request has been distributed to all delegations in document CD/WP.475, which you all have before you. If there are no objections, I shall take it that the Conference agrees to this request.

It was so decided.

The PRESIDENT (translated from Spanish): The secretariat has distributed, at my request, a very tentative timetable of meetings for the first week of the third part of the session. It is merely indicative and subject to change if necessary. On that understanding, may I take it that this very tentative timetable is acceptable?

It was so decided.

The PRESIDENT (translated from Spanish): As there is no other business, I shall now adjourn the meeting. The next plenary meeting of the Conference on Disarmament will be held on Thursday, 1 August at 10 a.m., and we hope that it will be held in the Council Chamber, which will very probably have been remodelled.

The meeting rose at 12 noon.

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CONFERENCE ON DISARMAMENT

CD/PV.743
1 August 1996

ENGLISH

FINAL RECORD OF THE SEVENTH HUNDRED AND FORTY THIRD PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 August 1996, at 10 a.m.

President: Mr. Urrutia (Peru)

The PRESIDENT (translated from Spanish): I declare open the 743rd plenary meeting of the Conference on Disarmament.

First of all, on behalf of the Conference and on my own behalf, I should like to welcome once again Mr. John Holum, Director of the United States Arms Control and Disarmament Agency, who will be our first speaker today. As most of you will recall, Mr. Holum attended our Conference at the beginning of the session, in January. His presence among us today, at this crucial time when all of our efforts are directed towards the finalization of the comprehensive nuclear-test-ban treaty, shows the great importance that his Government attaches to the conclusion of the treaty. I am convinced that, as on prior occasions, his statement will be followed with the keenest interest.

In addition to the distinguished representative of the United States of America, I have on my list of speakers for today the distinguished representatives of China, Pakistan, New Zealand, Australia, Belgium, Japan, Switzerland, Colombia, the Islamic Republic of Iran, Sri Lanka and Brazil. Once we conclude the list of speakers, I intend to put before the Conference for a decision the requests submitted by Kazakstan and Seychelles to take part in our work as non-member States in conformity with our rules of procedure. I now call on the distinguished representative of the United States of America, Mr. John Holum.

Mr. HOLUM (United States of America): Mr. President, the United States congratulates you on your assumption of the Chair at this critical time for multilateral arms control. Peru has long supported the work of the Conference on Disarmament. Your leadership will be vital as the CD completes its work on arms control's longest-sought hardest-fought goal - a comprehensive test-ban treaty.

I have had the opportunity this week to meet with many of you in smaller sessions, and to consult how we might promptly conclude the CTBT. Today it is my privilege to address you formally. I want to begin by recalling key elements of President Clinton's statement just a few days ago, on 26 July. The President declared that:

> "Today, I am proud to tell you that when the Conference on Disarmament reconvenes in Geneva on Monday, we will be one step closer to realizing President Kennedy's vision of a safer world. The United States will support without change the comprehensive nuclear-test-ban treaty that the Chairman of the negotiating Committee proposed when the negotiations adjourned last June."

The President then called upon all CD members to "forward the Chairman's text without change to the United Nations so that the General Assembly can approve the treaty and open it for signature in September". And he concluded, "What a remarkable thing that would be".

Throughout the 1980s the United States was not ready to move swiftly on a

comprehensive nuclear-test-ban treaty. Since 1993, though, President Clinton has confirmed that we are ready to achieve this historic goal. Is this Conference ready?

The text President Clinton endorsed is that put forth by the distinguished Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker of the Netherlands, on 28 June. I congratulate Ambassador Ramaker on a job well done, and in particular for his diligence and care in drawing from this body a balanced and fair agreement, one that distils our disparate views in a way that allows us all to declare a victory, to claim this agreement as a success.

Ambassador Ramaker has taken care to avoid presenting this treaty on a "take it or leave it" basis. Rather, he has offered it to the Conference as his best effort to reflect consensus, where consensus can be discerned, and as a reasonable compromise where there is no common view.

Nevertheless, we must all recognize that as a practical matter, it still comes down to a choice between this treaty and no treaty at all This is dictated not by the Chairman, but by objective conditions.

To take the present draft treaty text only as the starting-point for further negotiations, rather than our best achievable result, might make sense if national positions had a flexibility which Ambassador Ramaker failed to apprehend. But they do not. We know this. We have explored it. We could spend more days, more months, more years searching for the perfect treaty. But we will never do better.

So whether it is called "renegotiation" or merely "refinement", the most probably result of further negotiation is to doom this treaty - and once more to turn back a 40-year effort to ban nuclear explosions.

Since the United States strongly supports it, I would like to address briefly the leading criticisms of the Chairman's proposed text.

First, there is a claim that the draft does not contribute sufficiently to nuclear disarmament, in particular because it does not contain a commitment to a specific end-point when disarmament will be complete.

But the draft CTBT is fully consistent with the nuclear disarmament process. No less than five preambular paragraphs address the connection between the two - and the preamble, with the rest of the treaty, is subject to review.

Of course, the fundamental commitment of all parties to pursue disarmament derives from the Treaty on the Non-Proliferation of Nuclear Weapons - and was reaffirmed in the Principles and Objectives adopted by the Review and Extension Conference last year. That same document called for conclusion of the CTBT as the first priority, no later than 1996. Last fall the United Nations General Assembly, by consensus, advanced that deadline to this September.

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Some member States obviously want even more. But we would all do well to consider where we would be today if President Kennedy and our other predecessors in these ventures had adopted the principle that no worthy step should be taken until everything can be achieved. Under such a rule, nuclear testing in the atmosphere would still be allowed, because we could not have agreed to prevent it. There would be no Nuclear Non-Proliferation Treaty. The dramatic steps in nuclear disarmament that are now under way - taking down two thirds of United States and former Soviet strategic warheads, and thousands more, intermediate- and short-range systems - would have been nullified, because we could not yet clearly envision the next step, much less the final one.

Clearly, overloading the CTBT with distinct goals not now achievable is a formula not for progress, but for paralysis - a search not for what is possible, but for what is not, to stop this work in its tracks.

A second criticism is that the treaty's scope should be broader, to include non-explosive experiments involving nuclear warheads, or even mathematical calculations as to how nuclear explosives might behave.

Leaving aside the impossibility of verifying such constraints, the United States has made clear that steps to maintain the safety and reliability of remaining weapons, not involving nuclear explosions, must continue. But we have also made it crystal clear, as long ago as President Clinton's message to this Conference in January 1994, that this treaty will stop new generations of nuclear weapons as well as constraining the spread of nuclear explosive capabilities to other States. This is sometimes referred to as halting both vertical and horizontal proliferation. Let me repeat: United States stockpile stewardship activities will not give us the means in the absence of nuclear testing to frustrate the comprehensive test ban, to discover technological alternatives, or to build new types of nuclear weapons.

In this way, the CTBT will in fact halt the vertical proliferation of nuclear weaponry. As President Clinton put it on 22 May, "we have got to stop an entire new generation of nuclear weapons by signing a comprehensive test-ban treaty this year".

Another criticism is that the verification regime reaches too far. United States views on verification are well known: we would have preferred stronger measures, especially in the decision-making process for one-site inspections, and in numerous specific provisions affecting the practical implementation of the inspection regime. I feel no need to defend this view. The mission for the Conference on Disarmament is not to erect political symbols, but to negotiate enforceable agreements. That requires effective verification, not as the preference of any party, but as the sine qua non of this body's work. Indeed, some four years ago, when the Chemical Weapons Convention was completed, the consensus was that the equivalent of a sub-majority of one fourth of the Executive Council was enough to authorize an on-site inspection.

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Nevertheless, the United States has made a difficult decision - that, on balance, it will accept the positions embodied in the draft treaty, recognizing that in doing so it has stretched itself to the limit in what is provided for effective verification, both for the discovery of cheating, and for its deterrence.

On the other hand, the United States has no less need than anyone else for confidence that facilities unrelated to the scope of this treaty will not be subject to unwarranted scrutiny. But we believe the draft treaty leans farther toward the "defence" than is necessary. If we seek to verify a true-zero-yield treaty, we cannot do without at least the treaty's modest provisions to support verification in places where nuclear explosions reasonably could occur.

It is argued that the entry-into-force provision brings into question both the utility of the treaty and the sovereignty of States. On this issue the United States would have preferred a number of outcomes over the one we are prepared now to support. And we are well aware of the anxiety voiced by many States and groups that the present provision is tantamount to neutering the treaty.

The United States does not share that assessment. For we know - indeed, from our own experience, on this treaty - that the views of Governments evolve. We thus are confident that the treaty will not only be signed immediately by the great majority of nations, but that before too long those not presently in a position to adhere will be able to reconsider.

This confidence flows from our conviction that the CTBT will in fact serve the basic security objectives of all States; that it will in fact be the next milestone on the path toward nuclear disarmament; that it will be an important stabilizing factor in all regions of the world; that it in fact satisfies the aspirations Member States of the United Nations voiced so strongly over the past four decades to put a stop to all nuclear explosive testing.

The CTBT will serve its ultimate goals even before its entry into force. The actions of this body, in agreeing to forward the treaty to the United Nations General Assembly; the actions of the Assembly, in agreeing to endorse the treaty and request that it be opened for signature; and the actions of States, in signing it, will establish a powerful norm against nuclear explosions. From the time of decision, the near-consensus of the international community will serve as a mighty barrier against testing. As proof, I would point out that even before the negotiations are completed, but in their light, all the nuclear-weapon States have already stopped nuclear-weapon testing.

The term "sovereignty" has been invoked in connection with the entry-into-force provision. No one denies the sovereign right of a State to choose to endorse this treaty or not, to sign or not, to ratify or not. But we should also consider the sovereign rights of all the other States in these negotiations to decide collectively upon the conditions for the treaty's full effectiveness. And

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we should consider as well the authority of the Conference on Disarmament, and how it will suffer if it is unable to complete this historic negotiation.

Finally, we hear complaints about process - that there has been too little negotiation, or that the treaty has been somehow "pre-cooked" by Ambassador Ramaker or one or another group of States.

That is answered in both the texts and the process that yielded it.

As for whether the text has been "pre-cooked", I can only tell you that if the United States had been engaged in such activity, we would have consulted a much different cookbook. Among many other things, the treaty does not contain: our original proposal for an option to withdraw from the treaty at the 10-year mark without citing reasons of supreme national interest; our proposal that the treaty's scope provide room for so-called "hydronuclear" experiments with very small nuclear yields; our position that on-site inspections should proceed automatically unless two thirds of the Executive Council votes "no"; on verification overall, the treaty tilts toward the "defence" in a way that has forced the United States to conclude, reluctantly, that it can accept, barely, the balance that Ambassador Ramaker has crafted; and, as I've said, the United States would have strongly preferred a different outcome on entry into force. But we are convinced that the likelihood of a better outcome through further negotiation is nil.

Certainly, we all have disappointments in this treaty. And that is the case precisely because it has emerged from a negotiating process, which as had to account for a wide variety of national interests and perspectives.

The current text manifestly is drawn from two and one half years of all delegations' efforts - from the rolling text, from alternative drafts or segments introduced by several delegations, from the working groups, from intense work by numerous Friends of the Chair who focused on particular issues, and then from the Chairman's meticulous consultations and distillation of reactions to successive drafts. Every nation that wanted it, and every group, has had a part in those procedures.

The vast bulk of the text, perhaps 90 or 95 per cent, faithfully represents the true state of the negotiations, where consensus has been achieved. The remainder - which to be sure includes some of the most important and sensitive issues - bespeaks a search for a fair middle ground between strong, irreconcilable differences of view. And as to these provisions, such as on the trigger mechanism for on-site inspections, we must recognize, first, that they are largely "zero sum" matters, so that the text cannot be moved toward one side without moving away from the other. Even more importantly, it is clear that in crafting solutions the Chairman has been scrupulously fair and reasonable in his judgments. He has consulted widely. He has done his best to measure both the content and the intensity of views. He has considered the national security interests and the global precedents involved. As a result, he has produced a

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draft treaty that none of us, despite our disappointments, can claim is unrepresentative or unfair. Indeed, if such claims are still made, then we would have to question seriously whether a multilateral body of this kind can ever both negotiate properly and reach final results.

Therefore, this is the text that should be forwarded to the United Nations General Assembly for its endorsement, and opened for signature by the outset of the fifty-first General Assembly.

The obvious remaining problems notwithstanding, I still have faith that that can happen - for two very basic reasons. The first comes from contemplating what happens if we fail. No one can guarantee that if the Conference on Disarmament forwards this treaty to the United Nations, then by a certain date the world will be free of nuclear weapons. But all can fully understand that such a day will be long delayed, perhaps indefinitely, if after four decades of effort we now falter in taking the next concrete step down that road.

If we fail now, no one will remember that it was for the sake of greater glory, more progress all at once, a more perfect agreement. They will simply remember that the member States had the opportunity to take a profoundly valuable step, and could not bring themselves to do so.

But we can act now not only to escape that dismal fate, but to seize an alternative future brimming with hope. For this treaty truly achieves a long-standing and lofty goal - to end nuclear explosions of any size by anyone, anywhere, for all time. For this treaty's scope truly embodies the objective envisioned for the comprehensive test ban since the earliest days, in the middle of the 1950s, when world leaders of great vision saw that ending all nuclear explosions would sharply constrain the further development of nuclear weapons. And this treaty truly has a place in the process of disarmament - representing a giant step toward the day when nuclear weapons will themselves be a memory.

The time of the comprehensive nuclear-test-ban treaty has at last arrived. Let all the nations represented here, and their distinguished representatives, be remembered as the ones who finally claimed it - and so earned an honoured place in history, and served a waiting, grateful world.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of the United States for his important statement and the kind words he addressed to the Chair. The distinguished representative of China, Ambassador Sha, has the floor.

Mr. Sha (China) (translated from Chinese): Mr. President, the Chinese delegation is pleased to see you once again presiding over the Conference on Disarmament. At present the CTBT negotiations have reached a truly crucial stage. It is our belief that with fair and efficient leadership and a spirit of fully accommodating the legitimate concerns of all negotiating parties we will be able to achieve the conclusion and signing of the CTBT within this year. The

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Chinese delegation will continue to cooperate fully with you, Sir, and with the other delegations for the realization of this objective.

In order to live up to the long-cherished expectations of the international community and to push forward the CTBT negotiations to promote nuclear disarmament and nuclear non-proliferation, the Chinese delegation has in the past two and a half years, under the instructions of the Chinese Government, participated in the negotiations in a positive and serious manner. It is our sincere hope that through the joint efforts of all parties concerned we will be able to conclude within this year and on a consensus basis a just, reasonable, verifiable and indefinite CTBT with universal adherence.

In order to facilitate the conclusion of this treaty as scheduled, China has shown compromise and flexibility to different degrees on almost all the important issues in the treaty. On the scope of the treaty, China dropped the phrase "release of nuclear energy" and agreed to ban "any other nuclear explosion" besides nuclear weapon test explosions. On the issue of peaceful nuclear explosions, China respects the position of the other countries and agreed to ban PNEs temporarily. On the issue of undertakings by nuclear-weapon States not to be the first to use nuclear weapons against each other and not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones, China withdrew its relevant textual proposals. China also dropped its textual proposal on the "peaceful use of nuclear energy" and "relation to other international agreements". On IMS issues, China withdrew its proposal on incorporating EMP and satellite monitoring networks into the system. The Chinese delegation also showed great flexibility on OSI-related issues, such as consultations and clarifications before OSIs, purpose, time lines, preparations, inspection plan, technical methods and the size of the inspection area. On the OSI access regime, China is now prepared to enter into many new international obligations, including, for the first time, accepting the "overflight regime". On the issue of national technical means (NTMs), China has consistently opposed in the past two years and more the concept of allowing NTMs to play a role in the CTBT verification regime, particularly in the triggering of OSIs. With a drastic adjustment of its position China can now agree to allow purely technical NTMs to play a supplementary role in triggering OSIs. This is a major concession on the part of China at the final stage of the negotiations. As for the trigger basis and decision-making procedure for OSIs, I will explain China's position in more detail later. I wish to emphasize that such flexibility and compromise are no easy matter for China and that they are meant for the sole purpose of facilitating the early conclusion of the CTBT. Needless to say, China's flexibility and compromise will stop on matters concerning its fundamental national security interests.

China has carefully studied the treaty text (WP.330/Rev.1) presented by the Chairman of the NTB Ad Hoc Committee on 28 June. We hold that the way the text addresses many issues reflects the outcome of hard negotiation in the past two and a half years, covering by and large China's concerns. The Chinese delegation finds these parts acceptable in principle. Meanwhile, I must point

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out that differences still exist between China's position and the options presented by the AHC Chairman in his text concerning the trigger basis and decision-making procedure for OSIs. The so-called "compromise option" contained in the current Chairman's text accommodates only the needs and interests of certain countries possessing advanced verification technologies, while not fully reflecting or simply ignoring the reasonable proposals and demands put forward by many other countries, including China. It also fails to reflect objectively the real situation of the negotiations at the final stage. This option can hardly ensure fair OSIs. The Chinese delegation is seriously concerned at this. For the Chinese delegation, the trigger basis and decision-making procedure for OSIs is the last unresolved major issue in the negotiations and it deserves a satisfactory solution. For this reason, we suggest that consultations or negotiations on this issue should be conducted immediately in an appropriate manner in order to seek a consensus solution.

The Chinese delegation maintains that neither 28 June nor 29 July is the end of the world. The Chinese delegation is certainly aware that the international community, almost all countries in the world and many non-governmental organizations expect the early conclusion of the CTBT. The Chinese delegation shares this objective. Setting a time line for the negotiations may be conducive to the progress of negotiations. However, the basic objective of our negotiations should be to conclude a treaty which can stand the test of time and will not be detrimental to the legitimate interests of future States parties. For the Ad Hoc Committee itself, the basic objective should be to fulfil its negotiating mandate. The negotiations come to an end only after all negotiating parties agree by consensus that the aforementioned objectives have been realized.

I would now like to explain some basic views of the Chinese delegation on OSI issues and put forward some proposals for resolving the differences. OSI is the last resort of the CTBT verification regime, used under extremely exceptional circumstances. This has been a common view held by all parties; we should therefore adopt a very prudent attitude in dealing with the trigger basis and the decision-making procedure OSIs.

First, the trigger basis. I wish to reiterate that China is firmly opposed to using human intelligence or espionage information in triggering an OSI in the name of "national technical means". China will never allow legitimizing espionage, as it infringes upon national sovereignty, in the CTBT or other future international arms control and disarmament treaties. The Chinese delegation has consistently stressed in the negotiations that in triggering an OSI, information obtained by NTMs cannot enjoy the same status as IMS data. However, the current Chairman's text treats NTMs and IMS information on an equal footing. Since the IMS has to go through a strict technical examination and is accessible to all States parties, while NTMs face no technical assessments or restrictions, therefore the Chairman's text has in reality put NTMs above the IMS. This is too much. The Chairman's text also stipulates that the information obtained by NTMs can independently trigger an OSI. Leaving aside the question of the appropriateness of this provision, it is a fact that only a few technically

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advanced countries posses such means. Against such a backdrop it is up to the countries possessing such means to decide what, how and when and against whom to use them. This certainly cannot prevent subjectivity, discrimination and the possibility of abuse in the application of NTMs. Moreover, while we at least know the details of the four IMS technologies, the Chairman's text gives no clear-cut definition of NTMs or their scope. Nobody knows the full content of NTMs. Under such circumstances is it reasonable to ask us to accept such an ambiguous concept?

We are able to understand why certain technically advanced believers in power politics and a "world police" are so anxious to replace the IMS by their exclusive NTMs and monopolize international verification. I would like to remind them that the world is changing and justice will prevail over discrimination, equality over hegemony and a minority will not coerce the majority for ever. The time has long gone when certain big Powers exercised their so-called "heaven's decree" and called the shots for all. The Chinese delegation firmly holds that if purely NTM information is allowed to trigger an OSI arbitrarily and under no restrictions, then it will certainly lead to the abuse or misuse of OSIs. China is firmly opposed to a situation in which certain technically advanced Powers might take advantage of NTMs to frequently harass and discredit the developing countries with dubious accusations and infringe upon their illegitimate security interests.

In view of the above-mentioned facts, the Chinese delegation holds that necessary restrictions must be imposed on the NTMs relevant to the verification regime. First, the use of human intelligence and espionage must be completely excluded. Second, all States parties must be aware of what kind of NTMs are allowed. Third, NTM information used to trigger OSIs must be truly technical, verifiable and substantial. For example, for any suspected underground nuclear explosion it is necessary for the OSI request to present data obtained by the relevant seismic monitoring stations - data which are distinguishable from natural earthquakes.

Second, the decision-making procedure. The Chinese delegation has always held that as nuclear explosions are not silent activities they can be detected by means of remote sensing technologies. This is also the starting-point for the design and establishment of the IMS, and this is precisely the difference between the CTBT and the Chemical Weapons Convention. Moreover, many phenomena caused by nuclear explosions persist for a long time. Therefore, it is reasonable and necessary for the Executive Council to examine OSI requests and make political decisions on whether to initiate an OSI within convenient time lines. The current Chairman's text has excluded the so-called "red light" decision-making procedure which means automatic triggering of OSIs unless a majority disapproves. The Chinese delegation is satisfied with this.

The Chinese delegation is of the view that approving an OSI request by a simple majority of all Executive Council (EC) members, as contained in the Chairman's text, is insufficient. According to international practice and the

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provisions on the functions of the EC contained in the current text, the EC can only make decisions on matters of procedure by a simple majority. OSIs are a last resort of the verification regime to deal with extreme circumstances, and not routine. Therefore, OSIs are by no means a matter of procedure. During the negotiations the Chinese delegation has all along asked those countries which disagree with a "two-thirds-majority green light" to answer a question, which I raise once again today: if OSIs are not a substantive issue, what are the substantive issues for the EC to deal with? This question has never been answered. However, it must be answered. China and quite a number of other countries have consistently held that OSIs are one of the most important substantive issues for the treaty organization to deal with and must be approved by at least a two-thirds majority of all the EC members. The Chinese delegation cannot agree to allowing easy inspections in its country by inspectors coming and going like international tourists. Nowadays some people always talk about democracy to show that only they are democratic. I understand democracy to mean respecting the judgement and choice of the majority. However, those people who talk all day long about democracy do not believe in the ability of the majority of countries to make a correct judgement on such a crucial issue as OSIs. This is most disturbing.

In the final analysis, OSI is not a political game and it should not become a political tool for hegemonic Powers to coerce the weak and small. Technically speaking, so long as the requesting countries can present convincing monitoring data, all responsible EC members will approve the initiation of OSIs without any delay. Therefore, if some country worries that the majority decision of the EC may hinder the initiation of normal OSIs, this may show that it has a guilty conscience in attempting to use groundless information to misuse OSIs. The Chinese delegation is of the view that after the entry into force of the treaty, if any country dares to carry out a nuclear explosion in breach of the treaty and expects most countries to forgive it, then this can only be a total illusion. At that time, even requiring a four-fifths majority in approving an OSI will not save the violator of the treaty. The Chinese delegation proposes a higher majority for approving an OSI only for the purpose of preventing abuse. Unfortunately, this kind of abuse happens all too often and our experience is all too painful in this regard.

In the light of the fact that a quick consensus cannot be reached on the "two-thirds-majority green light", the Chinese delegation hereby formally proposes that the EC should approve an OSI request by a fixed 30 affirmative votes out of its 51 members. This kind of decision-making procedure is nothing new and has its precedent in the United Nations Security Council. Our consideration behind this proposal is that among the 51 EC members, a "simple majority" means 26 votes and a "two-thirds majority" means 34 votes. "Thirty votes" therefore constitute the balancing point. The figure of 30 can demonstrate, on the one hand, that an OSI is not a "routine inspection" of a procedural nature, and on the other hand can avoid a breakdown of the negotiations due to the intransigence of some countries in refusing to treat OSIs as a matter of substance. Under this "30-vote option", an OSI would be triggered

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by less than a three-fifths majority of all the EC members. The Chinese delegation maintains that this option is the best possible balancing point to be reached under the current circumstances.

In fact this option was not invented by China. It was proposed informally by some colleagues of other countries during the last part of the CD session. Many countries once indicated their readiness to accept this compromise. Another option is as follows: if the OSI request is based on IMS data only, the decision to approve the OSI shall be made by a majority of all members of the Executive Council. If the OSI request is based on a combination of IMS and NTM data, then the decision to approve the OSI should be made by at least 30 affirmative votes of EC members. If the OSI request is based on NTM data only, the decision to approve the OSI should be made by a two-thirds majority of all the EC members. The advantage of this option is that it reflects the principle of distinguishing NTMs from the IMS. The Chinese delegation urges all parties concerned to consider these two options positively and settle this issue by consensus.

The international community is expecting the NTB Ad Hoc Committee of the CD to conclude the CTBT negotiations at an early date. All the sovereign States participating in this negotiation are also expecting their delegates to conclude a good treaty which is just and equal as soon as possible. The Chinese delegation calls on all parties to put aside any prejudice, adopt a reasonable and flexible attitude and make the necessary compromises, so as to eliminate our differences at an early date and to facilitate the conclusion and signing of the treaty as scheduled. The Chinese delegation will continue to cooperate fully with the other delegations in order to fulfil this historic mission.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of China for his statement and the kind words addressed to the Chair. The distinguished representative of Pakistan, Ambassador Akram, now has the floor.

Mr. AKRAM (Pakistan): Mr. President, it is a pleasure to see you, a wise and able representative of friendly Peru, preside over the proceedings of the Conference on Disarmament at this historic moment. I would also like to express a word of welcome to Mr. John Holum, Director of the United States Arms Control and Disarmament Agency.

We are - finally - reaching the end of our negotiations on the comprehensive text-ban treaty. We hope the end will be a happy one.

The member States of the Conference were provided with a text of a CTBT by the Chairman of the Ad Hoc Committee on 28 June when the second part of our 1996 session concluded. We were asked by the Chairman to study the text and to give our response to it after the interregnum in our proceedings. Today, we are responding to that invitation.

First of all, I wish to reiterate that Pakistan is not satisfied with the

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manner in which the negotiations on the CTBT have proceeded in the last session. The discussions have lacked transparency, and the texts produced have not entirely been the product of these talks. More often than not, texts relating to vital parts of the treaty have "descended from heaven and elsewhere".

Secondly, as we said here on 25 June, the text of the CTBT which has emerged from this process does not match up to the hopes and expectations which the world community has entertained for a CTBT for four decades. This treaty will not be comprehensive - it will ban only nuclear explosions and not all nuclear tests. It could allow some qualitative development of nuclear weapons and fall short of the aim of promoting nuclear disarmament. Some provisions relating to verification give rise to legitimate concerns. And there is now a danger that the treaty may not be universal.

Despite these serious shortcomings, Pakistan has displayed its readiness to remain engaged in the negotiations in order to evolve a text which can be universally accepted. We have done so because we believe that a CTBT, even with its shortcomings, will contribute significantly to restraining the further development of nuclear weapons, specially new types of nuclear weapons, and to nuclear non-proliferation. Thus, we feel that this treaty would be "good for the world and good for our region", a region where the nuclear spectre was raised 22 years ago by the "Smiling Buddha".

Despite our positive and constructive approach, today I am obliged to express some important concerns regarding the CTBT text proposed by the Chairman of the Ad Hoc Committee and on the process of our negotiations.

Firstly, let me say that the Chairman's text does reflect, in large part, the major progress which was made in the process of negotiations. But in some significant areas, the text does not take into account the strongly held positions of some States whose participation is vital for the success of the CTBT. Nevertheless, in order to advance the process, we are prepared to accept the Chairman's text as the basis for further consultations and negotiations to evolve a full consensus on a CTBT.

But we should not be expected to accept the Chairman's text "without change": the practice of proposing a "take it or leave it" or, even worse, a "take it or take it" text is not acceptable to Pakistan. The text which emerges from the CD must be the product of genuine negotiations.

More substantively, the Chairman's text has not addressed several issues of serious concern to Pakistan. I would like to mention these briefly.

One, like many other delegations, Pakistan has repeatedly affirmed that the verification of the CTBT must be accomplished primarily by the international monitoring system and that on-site inspections must be a rare and exceptional occurrence. Given their serious implications, a decision to launch an OSI should be approved by at least a two-thirds majority of the Executive Council. We

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consider this essential to deter frivolous or abusive requests or the launch of OSIs against targeted countries, specially since these will not be based exclusively on IMS data but also on data from national technical means. As a compromise, we can accept a staggered decision-making process, that is, approval of an OSI by a simple majority when based on IMS data, by 30 votes when based on a combination of IMS and NTM data, and by a two-thirds majority when based exclusively on NTM data.

Two, the use of NTMs for verification of the CTBT needs to be properly regulated. There must be legally binding assurances that espionage and human intelligence will be expressly excluded from the purview of NTMs.

Three, we wish to secure clear recognition that IMS information will hold primacy in the context of the treaty's verification and that NTM data will not supersede the IMS data.

Four, the NTMs that can be legitimately used for CTBT verification must be clearly spelt out. We shall reserve the right to take all necessary measures to preserve our national jurisdiction from foreign intrusion - whether technical or physical.

Five, the right of States to deny access to facilities and structures that are demonstrably not related to the "basic" obligations of the CTBT must be expressly recognized. This provision was not reflected in the Chairman's text despite agreement on it in the negotiating process. Perhaps this was an omission or oversight.

Six, we have stated that the annexed lists of countries to be included in various regions for membership of the Executive Council are not necessary. They may prejudice negotiations in other bodies. Their composition can be determined by the concerned States only after it is known which States will be parties to the treaty. Therefore, these lists should be deleted. Alternatively, it should be clearly stated that these lists are merely "indicative" and that final decisions will be taken by the States parties after the treaty comes into force.

Pakistan's consistent support for the conclusion of a CTBT is an important manifestation of our sincere endeavour to promote nuclear non-proliferation, to hold back the nuclear genie, specially in South Asia. Even as nuclear escalation has occurred across our eastern border - first, in the form of unsafeguarded facilities; then, a nuclear test; and next, the development of short- and medium-range nuclear-capable missiles - pressures and penalties have been applied against Pakistan for no other reason than our determination to safeguard our national security.

For the past several years, the Government of Pakistan has adopted an important principle: we will accept obligations and commitments in the field of nuclear non-proliferation only if these are equitable and non-discriminatory. We will not accept unilateral obligations or commitments.

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It is for this reason that we attach the highest importance to the provision in the Chairman's CTBT text that the treaty will enter into force only once it has been signed and ratified by 44 States including all the nuclear-capable States. If one of these eight States maintains the "right" to test, so will the other seven. Their security interests are interlocking. They must all come into the treaty. In this sense, this treaty is an "all or nothing" treaty. Therefore, Pakistan will strongly oppose any change in the "entry-into-force" provisions contained in article XIV of the Chairman's text.

It is sad and ironic that the State which for so long championed the cause of the CTBT has now threatened to veto the treaty because the text asks for the adherence of this State, and of 43 others. While most of the world seeks a global moratorium on nuclear testing, this State asserts the "right" to conduct a test. Its leaders vow to keep its nuclear option "open".

What is amazing and disconcerting for the people of Pakistan is the equanimity with which certain Powers have responded to this challenge to one of the most important goals in the field of disarmament and non-proliferation. The fate of our negotiations - the fate of this long-sought objective - hangs in the balance. The international community must exert the necessary political energy in order to ensure the success of our negotiations and the successful conclusion of the comprehensive test-ban treaty.

The PRESIDENT (translated from Spanish): I thank Ambassador Akram for his statement and the kind words addressed to the Chair. The distinguished representative of New Zealand, Ms. Lucy Duncan, has the floor.

Ms. DUNCAN (New Zealand): Mr. President, let me first offer your New Zealand's warm congratulations on the assumption of the presidency and assure you of our full cooperation and support as you guide the Conference through a critical period in its history.

I am taking the floor today for two purposes. The first is to announce that on 15 July 1996, New Zealand ratified the Chemical Weapons Convention, the 58th country to do so. We now stand with other States parties on the brink of achieving what we have been striving for since January 1993 when the Convention was opened for signature - that is, the deposit of the 65th instrument of ratification which will trigger the 180-day countdown to entry into force. New Zealand hopes that all other signatory States who have not yet ratified will do so at the earliest opportunity. We particularly urge the United States and the Russian Federation to complete their ratification procedures before the Convention enters into force. New Zealand has always attached importance to the CWC which is the first global treaty to ban an entire class of weapons of mass destruction, and to provide a comprehensive verification mechanism to ensure full compliance with its provisions. Entry into force of the Convention will be a landmark in the global disarmament process. New Zealand, as a country with a strong interest in all fields of disarmament, is pleased to have become a founding member of this treaty.

My second purpose is to inform the Conference of the New Zealand Government's firm protest against China's conduct of a nuclear test on 29 July. New Zealand has condemned this test, and has noted to the Chinese authorities its particular disappointment that it took place on the eve of the resumption of this session of the Conference on Disarmament which has the goal of concluding the CTBT negotiations. The New Zealand Government has welcomed China's commitment to enforce henceforth a moratorium on nuclear testing, but has also conveyed its expectation that China will go further and join other countries in bringing to a prompt conclusion these negotiations, so that the international community can be assured that China's latest test is the last such explosion for all time.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of New Zealand for her statement and the kind words addressed to the Chair. The distinguished representative of Australia, Ambassador Starr, now has the floor.

Mr. STARR (Australia): Mr. President, I would like to take this opportunity to welcome you warmly to the presidency and assure you of the full cooperation and support of the Australian delegation.

Our CTBT negotiations are at their most critical stage, yet this is also the point of greatest opportunity. They need to be handled with great care. The draft treaty we now have - which the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, described as "the peak of convergence" - is the synthesis of two and a half years of dedicated work, expertise, imagination and drudgery, compromise and agreement. In many cases, the negotiation has modified some of our most cherished national positions. But, as a result of our efforts and our tenacity, we have an important achievement to accredit to the Conference on Disarmament.

Like other delegations, we examined the Chairman's CTBT text closely between sessions. There are many elements which not only give credibility and weight to the treaty, but also demonstrate just how far we, as a diverse group, have been able to travel in reaching this point of convergence.

We recognized also that in some respects the text does not match our preferred positions, notably the entry-into-force formula. We used the inter-sessional period to explore the prospects for securing a more flexible provision, but concluded that it would not be possible to achieve this.

We are confident, however, that the treaty will have significant normative value even prior to its entry into force. We intend to look to the signatories - of which we are certain there will be many - to uphold their responsibility to act in accordance with the object and purpose of the treaty. Further, the inclusion of a provision for annual conferences to address the entry into force of the treaty under article XIV reassures us that the text will remain at the forefront of international thinking and the momentum behind it maintained until the treaty enters into force.

(Mr. Starr, Australia)

Thus, after careful consideration, Australia made the decision to support the CTBT text of the Chair as it is. In our view, the Chair's text on which we are now making our judgements represents as reasonable a compromise text as it is possible to achieve.

As I have already said, we are at the critical point of this negotiation. It is tempting for delegations to consider advantages in reopening certain discrete parts of the text, but the compromises are now finely balanced. With every attempt to win more, we risk a loss greater than the gain. We fear the unravelling of all that we have collectively achieved. Each of us who has been intimately engaged in the hard, long negotiation should be appalled at the prospect of such waste.

In supporting the text as it stands, we see it as a serious element in a network of disarmament endeavour. It will impose, for the first time, constraints on the qualitative improvement of nuclear weapons and bring the arms race to a definitive end. It will make a key contribution to the programme of action on nuclear non-proliferation and disarmament agreed at the 1995 NPT Review and Extension Conference. It is a crucial step in the process towards complete nuclear disarmament.

It was with great regret that Australia learned of the nuclear text conducted by China on 29 July. We have long called for an end to all testing.

We welcome China's declaration of a moratorium on testing, applicable immediately, and we acknowledge that this represents an important step forward for international arms control and non-proliferation. It has given us reason to hope that the test conducted on 29 July 1996 will be the last nuclear test conducted by any State, ever. We now look to China to take the commitment evident by the moratorium further, by putting its considerable weight behind the successful conclusion of the negotiations.

We should not lose sight of the fact that as it stand the treaty text before us represents a most substantial achievement for this Conference. For many years the international community has sought a CTBT. This is our opportunity. Attainment of the treaty is now so close, the stakes so high, I would call on all delegations to help find the solutions, and take the necessary steps to enable us to open the comprehensive test-ban treaty for signature at the outset of the fifty-first General Assembly.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Australia for his statement and the kind words addressed to the Chair. The distinguished representative of Belgium, Ambassador Guillaume, has the floor.

Baron GUILLAUME (Belgium) (translated from French): Mr. President, as this is the first time that my delegation is speaking under your presidency, I would like to congratulate you on taking up this heavy task today. Having seen you at

(Mr. Starr, Australia)

work in other forums, there is no doubt that your professional skills will be very useful to us in finalizing our work. For finalizing is indeed the task before us. Almost three years ago now, the CD set itself as its principal task, the priority of priorities, the drafting of a nuclear-test-ban treaty. The negotiations have been arduous and diverse, both at the political level, where serious questions arose, because this is a subject which touches the heart of the security interest of States, and at the technical level, because we were confronted with a new equation which we had to resolve. Under the chairmanship of the successive Chairmen of the Ad Hoc Committee, this task was undertaken and pursued, and now we are in the final phase of the negotiations before being able to say that they have been completed.

We are now at the conclusion of these negotiations, and this conclusion even has a reference number, that is, WP.330/Rev.1 of 28 June 1996. Belgium for its part can support this text and recommend that it be sent to New York to be endorsed by the United Nations General Assembly. To be sure, this is not the ideal text that we would have liked to see, and in our view it contains many imperfections. To begin with, we would have preferred a firmer wording in the preamble on the question of nuclear disarmament. As early as 15 February 1996 I said so before this assembly: "The [CD] ... has a role to play in nuclear disarmament, as it is proving with current CTBT negotiations". Hence it would have been more normal for the preamble to place the CTBT in the context of the process of nuclear disarmament. We also have reservations concerning entry into force. The formula in itself was not bad, but the way it was presented, with all flexibility removed, was not likely to convince those who were hesitating most - and everyone knows that at a certain point, a certain pressure, any additional pressure can only have negative and counterproductive effects. An effort should have been made to persuade, not to try to impose. As for the verification system, and in particular on-site inspections, we are also disappointed because we considered that the system should be essentially dissuasive in nature. This seems to have totally disappeared in a cumbersome and complicated procedure.

Belgium is in favour of a CTBT, without delay. Indeed it was for that reason that we proposed entry into force upon signature. But Belgium also wants universal accession to this treaty. Today we accept WP.330/Rev.1 as a compromise text, the outcome of 32 months of negotiations. At this stage, the text must not be reopened, regardless of the concerns of some (if not all) participants, and however legitimate they may be - otherwise we will have no treaty. That is how things stand today: if we want a treaty, we have only this text. Time is pressing and we can no longer renegotiate. Any attempt to do so may jeopardize the final objective and thus would entail grave responsibility in the eyes of international opinion.

Yet although we cannot touch the text, that does not mean we cannot do anything to try to accommodate certain concerns of various parties. An example is nuclear disarmament, which I referred to earlier. I regret the wording of the preamble but that is certainly not a reason for rewriting it. We could, however, try to find a formula which would restore the balance somewhat when forwarding

(Baron Guillaume, Belgium)

the treaty to the United Nations General Assembly. The same thing applies to entry into force. It is too late to change the reference to the CD, perhaps too delicate to go back - as we have always held that we should - to a high percentage of members rather than all of them, but why, if we keep the present wording - and it must be kept so as not to reopen the text - why should we feel obliged to "rub it in" by adding an annex where the name of each country is explicitly listed? Let us keep the formula but delete the annex.

The CTBT is certainly a legal contract - as a marriage contract would be in civil law - but, as in the case of marriage, it goes much further: it is a commitment. Those who see in this treaty only a succession of obligations and think only of trying to circumvent them are on the wrong track. Above and beyond legal obligations, the force of the treaty will lie in its dynamism. We can see the first tangible effect already - although it has not even been signed yet - with the moratoriums of the five nuclear countries not to embark on any more nuclear tests. Of course, we regret the recent Chinese nuclear test. But we ardently hope that 29 July 1996 will go down in history not as the date of the last Chinese test but as the first day of a world finally free of nuclear tests.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Belgium for his statement and the kind words addressed to the Chair. The distinguished representative of Japan, Ambassador Kurokochi, has the floor.

Mrs. KUROKOCHI (Japan): Mr. President, may I begin by expressing our satisfaction to see you presiding over the Conference on Disarmament at this very crucial period? We are at the final stage of our negotiations on the CTBT and we are fortunate to be able to rely on your skilled leadership at such a challenging time.

I already expressed on Monday, in the Ad Hoc Committee on a Nuclear Text Ban, Japan's regret regarding the nuclear test conducted by China on that day. However, for the record of the Conference on Disarmament, I would now like to read the comment made by the spokesman of the Government of Japan, Chief Cabinet Secretary Mr. Seiroku Kajiyama, on 29 July.

> "It is extremely regrettable that the People's Republic of China conducted another nuclear test today, despite the repeated requests of the international community, including Japan, for the cessation of nuclear testing, and in the midst of the energetic effort made for the completion of the comprehensive test-ban treaty (CTBT) negotiations, which are now in the final stage at the Conference on Disarmament in Geneva.
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> "China announced that it would observe a moratorium on nuclear testing effective from 30 July. Japan earnestly hopes that China will make an effort from a wider perspective for the early completion of the CTBT negotiations and for the promotion of nuclear disarmament aiming for a world free of nuclear weapons."

(Mrs. Kurokochi, Japan)

At this important juncture of the CTBT negotiations, allow me to reiterate Japan's position at the plenary as well. Japan has decided to accept the Chairman's text as it is, although it is not entirely satisfactory to Japan. In view of the limited time available for us, the Chairman's text seems to be the only proposal which enables us to have a treaty. Japan strongly appeals to other countries to accept this Chairman's text so that it can be opened for signature in September.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Japan for her statement and for the kind words addressed to the Chair. I call on the distinguished representative of Switzerland Mr. Jeanty.

Mr. JEANTY (Switzerland) (translated from French): Mr. President, since my delegation is taking the floor for the first time under your presidency, allow me first of all to congratulate you on your accession to your new duties and to express my satisfaction at thus being able to cooperate with you. At this decisive moment in the Conference on Disarmament I would like to assure you of the full support of the Swiss delegation.

Switzerland regrets the Chinese nuclear test which took place on 29 July. Today as in the past, my country has always been concerned at nuclear tests and the need to ban them. However, it is with great satisfaction that Switzerland has learned of the announcement made by the People's Republic of China to observe a moratorium on nuclear tests as of 30 July 1996. That commitment is an encouragement to rapid progress towards the conclusion of the negotiations on the CTBT. To that end Switzerland would like to reiterate the support given to the draft text CD/NTB/WP.330/Rev.1. Although it is not able to meet all expectations, nevertheless today it remains the result of a consensus which has been negotiated over more than two years. The Swiss authorities also take this opportunity to call upon the Conference on Disarmament as a whole to respond favourably to the efforts made in favour of disarmament and nuclear non-proliferation.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Switzerland for his statement and his kind words. The distinguished representative of Colombia, Ms. María Francisca Arias, has the floor.

Ms. ARIAS (Colombia) (translated from Spanish): Mr. President, as my delegation is taking the floor for the first time as a fully fledged member of the Conference on Disarmament and under your presidency, I would like to congratulate you on the way in which you have been guiding our work at a crucial time for this forum. Likewise, allow me through you to thank Ambassador Ramaker of the Netherlands for his tireless work leading the ad hoc group on nuclear tests.

Colombia has closely followed the negotiations in the ad hoc group on a nuclear test ban, and carefully studied the Chairman's text contained in document

CD/NTB/WP.330/Rev.1 of 28 June 1996. The text reflects the various positions advanced in the last two years. However, greater or lesser concerns persist, in order to arrive at a treaty acceptable to all the parties. My delegation shares some of them. For instance, the preamble of the treaty seems to us to be weak and not to reflect the interest we all share in having a world free of nuclear weapons. Although the preamble mentions that "the nuclear test ban is a significant step in the process to secure nuclear disarmament", there is no time-bound commitment to that end in the operative part. For us it is not clear that the treaty is part of a set of international standards leading to the total elimination of these weapons of mass destruction.

Article I of the draft treaty, as you know well, prohibits only the conduct of tests by means of explosions and not the more sophisticated computer simulations. We might well wonder whether the real objective of its adoption is to maintain a status quo which is totally unacceptable to the countries that do not possess nuclear weapons. Article XIV on entry into force is interesting, but we might well wonder whether it is viable in the current circumstances if we are truly interested in the treaty entering into force at some time. These and many other concerns deserve analysis and review. I venture to remind you that the heads of State and government of the Movement of Non-Aligned Countries reaffirmed at the recent summit in Colombia that if the CTBT is to make sense as a disarmament treaty it has to be considered as a step towards the complete elimination of all nuclear weapons within a specific period. Colombia, in keeping with its Constitution and its status as a party to the Treaty of Tlatelolco, has an obligation not to produce, possess or make use of nuclear weapons. Consequently, we are prepared to sign a comprehensive nuclear-test-ban treaty contributing to the sole objective of the total elimination of these weapons in future. However, we are aware of the difficulties still experienced by some member States of this Conference. We hope that these difficulties can be resolved as soon as possible, and to that end, Mr. President, you can count on Colombia's support.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Colombia for her statement and her kind words. I now call on the distinguished representative of Iran, Ambassador Nasseri.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, my sincere congratulations to you for assuming the presidency of the Conference. Your diplomatic skill and experience are well recognized and appreciated in the Conference, and we are thus assured of an able and effective stewardship. And then my gratitude to Ambassador Munir Akram, your predecessor, for his dedicated efforts and superb guidance of our work, particularly in relation to the expansion of the CD's membership.

The break in the CTBT negotiations provided us with a chance to participate at what seems to be the last meeting of the Preparatory Commission before the 180-day countdown on entry into force of the Chemical Weapons Convention. I believe this Conference, which spent years of dedicated attention and hard work to produce this unique treaty, is and should remain attached to, and watchful of,

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progress towards its implementation. With deep regret, I must say, concern and apprehension is beginning to overwhelm hope and aspiration at The Hague. A Convention aimed at and prepared for chemical weapons disarmament in its true sense is at serious risk of turning into a chemical weapons non-proliferation treaty today.

The reason of course is not unknown. While 60 signatories have already ratified the Convention and a number of others are just about to do the same, ratification by the two declared possessors of chemical weapons is not imminent or even not evident to take place. If the two CW possessors would not ratify the Chemical Weapons Convention within the next few weeks, a necessity which is quite clearly out of reach by now, the integrity, the universality and indeed the entirety of the Convention would be under severe threat.

The Chemical Weapons Convention was designed and formulated with a basic undertaking that the two CW States would participate fully in its implementation. Yet, at this stage, the major players, whose place is in the middle of the field, are still staying on the sidelines playing only the role of cheerleaders.

So, deservedly, this last session of the PrepCom at The Hague became entirely preoccupied with this issue. At the end of a long debate, the Commission recognized that no accessible solutions to safeguard the treaty were immediately available and decided to convene a special meeting for this particular purpose before the Convention becomes operational.

I shall be coming back to this very significant issue at a later stage as it may be inappropriate to shift focus away from our current CTBT negotiations at this time. As a point of reference, I request, however, that a working paper prepared and distributed at The Hague be circulated as a document of the Conference on Disarmament.

This matter, on the other hand, is not without relevance to the current state of play on the CTBT. During the CWC negotiations, many critical issues were finalized around a point of balance which was heavily tilted towards the positions of the CW States. Major and substantial compromises were made by non-CW States in order to ensure that the Two remain on board. In fact, a substantive part of the text was almost copied in full from the bilateral agreement between the United States and the former Soviet Union.

On the CTBT we have done exactly the same here. The idea has been constantly been borne in mind throughout the negotiations here that we should pursue our positions to the extent that major nuclear-weapon States would not be deterred from accepting the treaty. This notion became so strong and evident towards the end that, in the latter parts of the last session, negotiations on some key issues became confined exclusively to a very few States.

It is understandable that we would desire to keep the principal actors committed to the process and to its conclusion. But, after the CWC experience,

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the value and solidity of such commitments should be highly questioned. Of course the position of major Powers should be fully taken into account just as those of others. But we should be cautious not to produce a treaty that is custom-made for them with a perfect fit as they may not be ready or willing to wear it anyway at the time it is done and ready.

Therefore, on the remaining questions of nuclear disarmament, qualitative development, national technical means, inspection trigger, the Executive Council and entry into force, full and equal consideration should be given to the positions of the States concerned and we should avoid any attempt to suppress those positions under the perception of keeping intact the assumed commitments of some major players.

In this context, the reference to nuclear disarmament and the manner in which it is done has a particular significance.

We know for a fact that qualitative development of nuclear weapons may still be possible with the existing scope. We also know for a fact that following the CTBT and "cut-off" there are no further steps towards nuclear disarmament in sight. Let me add that we have also noted, and are still bewildered by, the arguments raised by some nuclear-weapon States at the International Court of Justice on their self-arrogated right to possess, even permanently, to use or threaten to use nuclear weapons.

We, therefore, have every right to demand a commitment to nuclear disarmament through a step-by-step programme that will be developed and concluded within specified intervals of time. The consensus reached since SSOD-I represents a minimum acceptable position and it should not be compromised under the prevailing circumstances.

Our positions on some pending issues were presented at the last plenary of the previous session. Those positions remain unchanged. At the same time, we wish to reiterate that we want the CTBT to be concluded rapidly and be prepared for signature in September. We have maintained a very flexible approach and tried hard to contribute positively at all stages of negotiations to help finalize the treaty in time. As the clock is ticking the treaty may be slipping away. Therefore, a refocused examination and consideration of issues is urgently needed to arrive at acceptable solutions and indeed, a prompt arrival at that.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Iran for his statement and his kind words. I call on the distinguished representative of Sri Lanka, Ambassador Goonetilleke.

Mr. GOONETILLEKE (Sri Lanka): Mr. President, please allow me to congratulate you on your assumption of the presidency of the Conference on Disarmament at this historic final phase in the negotiations on a comprehensive nuclear-test-ban treaty. We depend on your diplomatic skills and good sense of judgement to conclude our work on a comprehensive test ban, to which the

international community has been aspiring for decades. Let me also congratulate and welcome the new members of the Conference, whose entry into the CD has strengthened the Conference in no small measure.

Even as we resume the final part of the 1996 CD session, many a doubt continues to linger on in our minds on the text of the CTBT presented by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban on 28 June, the status of the negotiations and, most importantly, the position of the CD vis-à-vis the Chairman's text contained in document CD/NTB/WP.330/Rev.1. The Chairman of the AHC on NTB has put together his text which, in his best judgement, would reflect and represent a fair balance between what is desirable and what is attainable. My delegation is very much aware of the fact that during the current round of negotiations he has done his utmost to produce a text that would bring us closer to our final destination. The Conference should applaud him and his delegation for their contribution.

During the negotiations many a compromise has been made by individual delegations in respect of their national positions, which are near and dear to their hearts. It is clear that without such a spirit of compromise the Ad Hoc Committee would not have made the progress that it has achieved in the past two and a half years. The question is whether we have been able to reach the desired goal and announce to the international community that the CD has succeeded in completing the task entrusted to it.

Despite the progress achieved by the Ad Hoc Committee, there remain a few but vital issues that call for resolution in order that we achieve the good treaty to which we all aspire. This aspiration is reflected in no uncertain terms in the mandate handed down to the Ad Hoc Committee on a Nuclear Test Ban by the Conference on Disarmament in January 1994, which I wish to repeat: "To negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security."

Since the establishment of the Ad Hoc Committee on a Nuclear Test Ban in January 1994, its mandate has been renewed annually by the Conference. In this regard, it is important to point out that during the entire process of negotiations spanning a period of two and a half years, there has been no proposal to revise or otherwise amend the original mandate given to the Ad Hoc Committee in 1994. In the circumstances, it is incumbent upon us to examine carefully whether the draft treaty presented by the Chairman AHC/NTB and contained in CD/NTB/WP.330/Rev.1 fully reflects the mandate so carefully drafted, agreed upon and handed down to the Ad Hoc Committee by the Conference.

I now propose to comment on some of the issues that still remain to be resolved prior to the conclusion of our negotiations. The first issue is whether the AHC on NTB has indeed been able to deliver a draft of a comprehensive

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test-ban treaty as required by the CD. The draft treaty is by no means comprehensive. As one delegation aptly put it, it will only "ban the bang". In this context, it is to be noted that the mandate given to the Ad Hoc Committee was designed to effectively prevent the proliferation of nuclear weapons "in all its aspects". Refusal to give a firm undertaking that under the CTBT environment there will be no measures for the development or qualitative improvement of nuclear weapons has sent a signal that vertical proliferation of nuclear weapons will not be stopped under the draft CTBT, as it has been formulated at present. If this is all that we can achieve in the present circumstances, let us then accept the situation and constructively acknowledge that fact. Such a decision will provide room for the CD to continue from where it has stopped and commence work for a truly comprehensive test-ban treaty at a more propitious time.

The preamble of a treaty should reflect the purposes and principles that bring the parties together. Such a declaration has to adequately cover the relevant aspects succinctly. As you are aware, there exists a considerable divergence of opinion as to whether the preamble contained in the Chairman's draft text offers the very best which the Ad Hoc Committee can achieve. For example, last year, States parties agreed to an indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. In doing so, the nuclear-weapon States reaffirmed their commitment to pursue in good faith negotiations on effective measures relating to nuclear disarmament. In this context, the Group of 21 has called upon the CD and the Ad Hoc Committee on NTB time and again for a commitment to nuclear disarmament in the context of the draft CTBT. However, such a commitment has so far not been made. Our position has been further reinforced by the advisory opinion handed down by the International Court of Justice on 8 July, which, inter alia, states: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". It is, therefore, clear that the obligation is not only to pursue negotiations in good faith but also to bring such negotiations to a logical conclusion. Moreover, the advisory opinion has made it clear that this is a responsibility of all States and not only of the nuclear-weapon States. In the circumstances, it is important for the Ad Hoc Committee to take a fresh look at the preamble of the Chairman's draft CTBT text.

My delegation feels strongly about the need for the treaty to enter into force with minimum delay. Sri Lanka is fully aware of the strong viewpoints expressed by various delegations on the matter and the difficulties faced by the Chairman of the Ad Hoc Committee in arriving at a consensus on this issue. However, my delegation believes that article XIV, as presently drafted, will not permit the treaty to come into force - at all. Annex 2 to the draft CTBT contains a list of 44 countries, some of which have insurmountable difficulties with the treaty in its present form. To insist, therefore, that all these countries should sign for the treaty to enter into force, even when some of them have clearly stated that they would definitely not be a party to the treaty, is not the best way to prod the treaty to enter into force. It is tantamount to creating a power of veto over the treaty, thereby negating all the hard work

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achieved since negotiations commenced in 1994. Should we erect an impenetrable barrier, knowing full well that the end-product of our labour will not see the light of day, despite the measures referred to in paragraphs 2 and 3 of article XIV?

I might also add that the formulation in article XIV (2) which vests in the Conference the power to consider and decide "measures consistent with international law ... to accelerate the ratification process" should not be interpreted to mean a derogation in any form of the sovereign right of States to decide on ratification of treaties, which is a right well established in international law.

Another important issue that has to be resolved relates to the question of the composition of the Executive Council. Interests of equality and equity would best be served if we implement the principle of equitable geographical distribution. Views have been expressed in the Ad Hoc Committee against the proposed geographical distribution and use of contributions to the annual budget of the organization as an indicative criterion for the allocation of seats. To put it mildly, using contributions made by States parties as a criterion for determining seats on the Executive Council is an unhealthy precedent in multilateral instruments of this nature.

An important issue that is bound to concern the future States parties to the treaty, including mine, is the question of funding. The majority of these countries will be anxious to know in advance the actual financial cost of becoming party to the treaty. The treaty's prime cost would have as its elements the funding of the Preparatory Commission and the Provisional Technical Secretariat during the preparatory stage and the International Monitoring System, the first Conference of States Parties and the Comprehensive Test-Ban Treaty Organization following the entry into force of the treaty. With the reaction to the language in article XIV on entry into force, at least by one delegation, it is clear that the treaty will not enter into force for a considerable period of time. However, countries which have signed the treaty will become liable to meet certain costs whether the treaty enters into force or not. If the experience of the Chemical Weapons Convention is an index of the time and resources needed for the full implementation of the comprehensive test-ban treaty, then my own surmise would be that its Preparatory Commission is bound to last a considerable length of time prior to the convening of the first Conference of States Parties. As signature would entail an immediate financial obligation, we should have a clear picture of the annual cost to our budgets by virtue of signing the treaty.

I would like to remind the Ad Hoc Committee about its responsibility for concluding negotiations as required by General Assembly resolution 50/65. A number of countries stated very clearly at the Ad Hoc Committee meeting of 29 July that they support the Chairman's text as the basis to continue consultations on remaining issues and conclude negotiations within the stipulated time-limit. Some delegations made it clear that they wish to submit amendments to the Chairman's text. It is the hope of my delegation that these proposals

(Mr. Goonetilleke, Sri Lanka)

will receive due consideration from the Chairman of the Ad Hoc Committee and the members of the Conference. We support those delegations which expressed their agreement to use the Chairman's text as the basis for completing the final phase of negotiations. We are confident that with the experience and skill which have been amply demonstrated so far, the Chairman of the Ad Hoc Committee will be able to complete the negotiations on this landmark treaty in the coming days. In this task, deeply aware as we are of the acute time constraints that face us, we are ready to lend our fullest support to the Chairman of the Ad Hoc Committee to relieve him of his great burden, thus making a cherished dream of the international community come true.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Sri Lanka for his statement and his kind words. I now call on the distinguished representative of Brazil, Ambassador Saboia.

Mr. SABOIA (Brazil): For the Brazilian delegation and for myself it is a source of special satisfaction to see the Conference on Disarmament presided over by an illustrious representative of Peru, a fellow Latin American country and friendly neighbour. Please accept our sincere congratulations, Mr. President. We are confident that your well-known diplomatic skills and experience will serve us well at this critical time in the work of the Conference.

Let me take this opportunity to convey our warm thanks and appreciation to your predecessor, Ambassador Munir Akram of Pakistan, for having discharged the responsibilities of the President at a particularly trying juncture with his usual dexterity and valour.

May I also express our recognition to the Chairman of the Ad Hoc Committee for his efforts to bring a comprehensive test-ban treaty into being? We offer him our full support in his continuing endeavours to that effect.

As has been the case for most States represented around this table, the 28 June draft comprehensive nuclear-test-ban treaty (CD/NTB/WP.330/Rev.1) was subjected to thorough analysis by the Brazilian Government during the last four weeks.

Like several others, we believe this draft to have many deficiencies, among which we may mention the lack of any real commitment for nuclear disarmament; the absence of clear criteria regarding the use of data not gathered through treaty organs for verification purposes; and the heavy financial burden which will befall signatories regardless of their nuclear explosion capabilities or past behaviour in this regard. In spite of these, we are convinced that this text offers the best prospect for the international community to attain, this year, the long-sought goal of outlawing nuclear weapon test explosions, bringing us all closer to a nuclear-weapon-free world. Thus, after careful consideration of all significant issues involved, the Brazilian Government would be prepared to accept the draft treaty as contained in document CD/NTB/WP.330/Rev.1.

(Mr. Saboia, Brazil)

Upon the resumption of our work three days ago, diverse opinions were expressed with regard to the draft treaty and the prospects for its adoption. Although the current situation may allow for more than one interpretation, it is an inescapable fact at this stage that several important participants in the negotiations that preceded the presentation of CD/NTB/WP.30/Rev.1 - among them one nuclear-weapon State - still have major difficulties with that text. Brazil is ready to contribute as much as it is able in order to explore all avenues leading to a generally acceptable treaty being sent to the fifty-first United Nations General Assembly next September.

The PRESIDENT (translated from Spanish): I thank the representative of Brazil for his statement and his kind words. I have no other speakers on the list for this morning. I would like to know if any delegation would like to take the floor? That does not seem to be the case. I would now like to turn to the requests made by Kazakstan and Seychelles to participate as non-members in the work of the Conference. It has been seen in consultations that it would be acceptable for delegations to address these requests directly in plenary without holding any informal meetings, on the understanding that this does not create a precedent for the future in respect of similar requests. The secretariat has circulated today in document CD/WP.476 a note from the President containing these requests. If there are no objections I shall take it that the Conference accepts these requests.

It was so decided.

The PRESIDENT (translated from Spanish): At my request the secretariat has circulated the provisional timetable of meetings for next week. The timetable was prepared in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, and as usual it is merely indicative and subject to change if necessary. On that understanding, may I take it that the Conference considers the timetable acceptable?

It was so decided.

The PRESIDENT (translated from Spanish): Before adjourning the meeting I should like to inform delegations that this afternoon at 3 p.m., in room 1, there will be a meeting of the Friend of the Chair of the Ad Hoc Committee on a Nuclear Test Ban on the host country agreement. The next plenary meeting of the Conference on Disarmament will be held on Thursday, 8 August at 10 a.m.

The meeting rose at 12.15 p.m.

CONFERENCE ON DISARMAMENT

CD/PV.744
8 August 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-FOURTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 August 1996, at 10.00 a.m.

President: Mr. Urrutia (Peru)

GE.96-63552 (E)

The PRESIDENT (translated from Spanish): I declare open the 744th plenary meeting of the Conference on Disarmament.

On my list of speakers for today I have the distinguished representatives of Ukraine, Ireland, Morocco, Egypt, Mexico and South Africa.

I now call on the distinguished representative of Ukraine, Mr. Shamshur.

Mr. SHAMSHUR (Ukraine): Since this is the first time that my delegation takes the floor during this part of the 1996 session of the Conference on Disarmament, I would like to congratulate you on your assumption of the presidency and skilful discharge of your responsible functions at the critical stage of the NTB negotiations when so much is at stake with a view to achieving the noble goal of relieving the world of the perilous burden of nuclear explosions - be they conducted for military or allegedly peaceful purposes.

Following the instructions of the Ministry of Foreign Affairs of Ukraine, I have the honour to inform the Conference on Disarmament of the decision of the Government of Ukraine to endorse the draft comprehensive test-ban treaty as contained in document CD/NTB/WP.330/Rev.1.

This decision has been preceded by a careful examination of the aforementioned text. Although we, as many in this hall, regret the fact that some relevant proposals, including those either put forward or supported by Ukraine, are missing from the draft treaty, we believe that it represents a sound compromise taking into account the positions expressed by the different parties to the negotiations and thus striking a realistic balance between desirable and currently attainable objectives.

In our opinion, further procrastination in the process of negotiations would seriously jeopardize the chances for the successful completion of our common work on the CTBT before the start of the fifty-first session of the United Nations General Assembly. Let me take this opportunity to pledge my delegation's full support to Ambassador Ramaker of the Netherlands in his efforts to remove the obstacles remaining in the way of final agreement.

It should be also noted that completion of the CTBT bears special importance for the effective functioning of this body in future, because it could create new opportunities for more productive and intensive negotiations on such issues, as "cut-off", security assurances to non-nuclear-weapon States and determining the appropriate CD format for addressing the wider topic of nuclear disarmament, which we consider to be amongst disarmament priorities.

A definitively positive message on the CTBT from the Palais des Nations is awaited with impatience by too many in this world. We cannot allow these hopes to be frustrated.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Ukraine for his statement and for his kind words. I now call on the distinguished representative of Ireland, Ambassador Anderson.

Ms. ANDERSON (Ireland): Mr. President, let me first convey to you my warm personal good wishes. You have a very important role at a very important time.

Speaking in my national capacity and as representative of the presidency in office of the Council of the European Union, I would like to inform the Conference of a declaration by the presidency on behalf of the European Union which was issued yesterday in Dublin and Brussels. The EFTA countries members of the EEA, the central and east European countries associated with the European Union, and the associated countries Cyprus and Malta, have aligned themselves with this declaration.

The text of the declaration is as follows:

"The European Union expresses its support for the earliest possible transmission by the Conference on Disarmament of a draft comprehensive test-ban treaty to the United Nations General Assembly.

The declaration of the European Union on 22 April stated as follows: 'The European Union attaches the highest priority and is strongly committed to the conclusion, before the end of the spring session of the Conference on Disarmament, of the negotiations on a comprehensive nuclear-test-ban treaty which will prohibit any nuclear-weapon test explosion or any other nuclear explosion, so as to enable its signature by autumn, at the outset of the fifty-first United Nations General Assembly'.

While the spring session concluded without formally adopting the treaty, there is still time to meet the objective of the signature of this Treaty at the outset of the fifty-first United Nations General Assembly. The European Union remains fully committed to this objective.

However, if this historic opportunity is to be grasped, the text must be forwarded for adoption without delay.

On 28 June, at the close of the spring session of the Conference, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Jaap Ramaker, presented a draft integrated treaty text. He has made clear that this text represents, in his judgement, the maximum common ground between the negotiators. Nothing that has happened since the resumption of the current session of the Conference on Disarmament would suggest a different judgement. The European Union believes that the 28 June text must command respect for its determined effort to accommodate, to the greatest extent possible, views which have not been easy to reconcile.

Because the current text attempts to balance competing requirements, it does not and cannot reflect all the aspirations of all participants in the negotiations. European Union members are not fully satisfied with the treatment of some of the key issues in the draft

(Ms. Anderson, Ireland)

treaty. Like others, however, the European Union feels that a spirit of compromise must prevail at this late stage. Too much is at stake for us to risk failure of this endeavour.

The European Union continues to believe that the conclusion of this treaty will be a concrete step in the full realization and effective implementation of article VI of the Treaty on the Non-proliferation of Nuclear Weapons. It will contribute to the prevention of the proliferation of nuclear weapons, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.

The European Union therefore urges all countries that have participated in the negotiations to accept and adopt the treaty text so as to meet the objective of signature at the outset of the fifty-first United Nations General Assembly."

The PRESIDENT (translated from Spanish): I thank Ambassador Anderson for her statement and for her kind words. I now call on the distinguished representative of Morocco, Ambassador Benjeloun-Touimi.

Mr. BENJELOUN-TOUIMI (Morocco) (translated from French): Allow me to congratulate you, Sir, on your accession to the presidency of the Conference on Disarmament and to wish you every success in the discharge of your duties. I would also like to congratulate your predecessor, Ambassador Munir Akram of Pakistan, for his devotion to the great cause of disarmament.

The Conference on Disarmament has reached a crucial stage in its history because within a few days we absolutely must conclude negotiations on the comprehensive test-ban treaty. These negotiations have been lengthy and difficult. Their outcome is clearly unsatisfactory to some delegations which have actively participated in them, while others, on the contrary, have said that they can support the draft treaty presented by the Chairman of the Ad Hoc Committee, Ambassador Ramaker of the Netherlands, on 28 June.

The delegation of the Kingdom of Morocco has always said that it earnestly hoped the negotiations would result in a satisfactory compromise and has always participated in them in that spirit. Two delegations, those of the Islamic Republic of Iran and of Australia, showed the various possible ways of reaching a compromise acceptable to all and we responded to their efforts with interest and encouragement. Over the course of the lengthy negotiations, consultations and exchanges of views, the Chairman of the Ad Hoc Committee and the participating delegations have spared no effort. Faced with substantial differences of opinion, the Chairman of the Ad Hoc Committee, the chairmen of the working groups and Friends of the Chair have - and we are very grateful to them for that - striven even harder and more resourcefully to narrow the gaps, iron out the difficulties and, to the extent possible, reach satisfactory solutions.

In sum, the text presented by the Chairman of the Ad Hoc Committee on 28 June is not ideal, but it is the result of three long years of negotiations. It may not meet all of our expectations, but it is a step, one more step towards disarmament and nuclear non-proliferation. It is not

(Mr. Benjeloun-Touimi, Morocco)

the decisive advance that we would have all wanted to make, but it does, for all that, represent a useful and necessary further stage in the process of nuclear disarmament and non-proliferation. The Moroccan delegation is not opposed in principle to the Chairman's text in document CD/NTB/WP.330/Rev.1, but it understands the points raised by some delegations which consider that the draft treaty does not meet certain of their national concerns.

The Moroccan delegation is a firm supporter of the sovereign right of every State to accede or not to accede to a treaty. No one can deny this fundamental right, which falls within no domain but that of State sovereignty. My delegation considers this to be an issue of principle and of respect for the fundamental rules of public international law. Nevertheless, my delegation remains convinced that a compromise is within reach and that it is necessary both to be attentive to the legitimate concerns of all the delegations members of the Conference and the others and to show the flexibility necessary to conclude as soon as possible. We remain willing to contribute to the extent possible to the search for a speedy solution.

It is essential that these negotiations be successful so that the treaty can be transmitted for signature at the opening of the next session of the United Nations General Assembly. The expectations of the international community are real and we cannot disappoint them. The credibility of the Conference is at stake. I remain convinced that, therefore, the spirit of conciliation and flexibility will triumph over pessimism and resignation and that we will succeed in our noble undertaking.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Morocco for his statement and for his kind words. I now call on the distinguished representative of Egypt, Ambassador Zahran.

Mr. ZAHRAN (Egypt): First of all, I wanted to express to you, Sir, our satisfaction for the manner in which you are conducting the work of the Conference on Disarmament at this very critical period of the Conference's session and I wish you every success and pledge to you my delegation's full support.

I have asked for the floor today on behalf of 28 delegations members of the Conference on Disarmament in order to table a document containing a "programme of action for the elimination of nuclear weapons". The position of the co-sponsors of the document with respect to the question of nuclear disarmament, and with respect to the utmost priority which must be attributed to this issue within the Conference on Disarmament is well known and does not need further elaboration. Let me only remind delegations of the draft decision put forward by the Group of 21 before the CD on 14 March 1996 (CD/1388) on the establishment of an Ad Hoc Committee on Nuclear Disarmament "to commence negotiations on a phased programme for the eventual elimination of nuclear weapons within a specified framework of time" as requested by General Assembly resolution 50/70 P. Let me also recall the declaration of the Group of 21 before the plenary meeting of the Conference on Disarmament on 28 March 1996, where the Group of 21 yet again pressed for the commencement of negotiations in the CD on nuclear disarmament.

(Mr. Zahran, Egypt)

The issue of nuclear disarmament is one which must remain at the forefront of the international disarmament agenda until we are able to rid our planet of the nuclear threat thereby turning it into a "nuclear-weapon-free world". The proposed programme of action recognizes that there is a requirement for active multilateral efforts to identify, negotiate and implement specific, step-by-step measures for the complete elimination of nuclear weapons. It contains concrete proposals for concrete measures to be carried out by the Ad Hoc Committee on Nuclear Disarmament in three phases, the last of which takes us to the year 2020. The list of measures proposed is not exhaustive, but it is understood that in any programme for nuclear disarmament all measures to be taken are inextricably bound to one another.

It is the sincere wish of the co-sponsors of the "programme of action for the elimination of nuclear weapons" that all members and non-members of the Conference on Disarmament will carefully study the programme and start to work immediately for the earliest realization of the objective of attaining a world free from all nuclear weapons. I have already requested the CD secretariat to issue the "programme of action for the elimination of nuclear weapons" as an official document of the Conference on Disarmament.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Egypt for his statement and for his kind words. I give the floor to the distinguished representative of Mexico, Ambassador de Icaza.

Mr. de ICAZA (Mexico) (translated from Spanish): The delegation of Mexico is among the 28 delegations that have co-sponsored the programme of action for the elimination of nuclear weapons that the representative of Egypt, in his capacity as Coordinator of the Group of 21, has submitted to the Conference on Disarmament. Our co-sponsorship will come as a surprise to no one. We have been participating actively in this forum since its creation 34 years ago. Our positions have been to the fore and we have attained concrete results, amongst which I would like to refer to the Treaty of Tlatelolco in 1967, which established the first nuclear-weapon-free zone in a densely populated area. This isn't the first time for us to submit a programme: in 1979 we presented a draft comprehensive programme for disarmament; in 1982 we launched a world disarmament campaign, and in 1993 we proposed to the General Assembly a programme for the progressive reduction of the nuclear threat. In 1978, at the first special session of the General Assembly devoted to disarmament, we said that the cessation of nuclear-weapon tests by all States in the context of an effective process of nuclear disarmament would be to the benefit of all humanity. Today, on the verge of the conclusion of the negotiations on a comprehensive test-ban treaty, my delegation feels it timely and even necessary to supplement that treaty with a phased programme for the elimination of nuclear weapons within a definite time-frame. The Conference on Disarmament should begin negotiations on this as soon as we complete the CTBT.

There could not be a more propitious moment. The intense competition to produce nuclear warheads and deploy systems of those weapons that typified the cold war has ended. The level of alert of some systems has been lowered, some types of weapons have been eliminated and there have been agreements and negotiations for the reduction of stockpiles. There has, however, been no

fundamental change in the military doctrines of security based on these doomsday weapons and the threat that the mere existence of nuclear weapons represents for the human race still hangs over the future of our planet. Therefore, it is urgent and, I repeat, essential to give the negotiations on disarmament a direction and specific goals. We are certainly not trying to impose any preconceived patterns. On the contrary, we are proposing and calling for a joint exercise in thinking that will enable us in the span of one generation, if not sooner, to consolidate a world free of nuclear weapons. The programme envisages measures to eliminate the nuclear threat, concrete measures of nuclear disarmament, measures to reduce arsenals and promote confidence between States, and measures to consolidate a nuclear-weapon-free world. Among measures to which participants' attention might be drawn is that relating to the cessation of all nuclear tests and the closure of the sites where they take place. Naturally, this is not a matter of renegotiating a treaty that prohibits testing by means of nuclear explosions, but rather of remedying, in the future, one of the defects of the treaty that we are about to conclude and that we hope will be adopted promptly and will come into effect as soon as possible.

My delegation joins the 28 others that are offering this programme as a contribution to the Conference on Disarmament for orderly and systematic consideration of the subject of nuclear disarmament and in due course will ask this forum to transmit this programme to the General Assembly.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Mexico for his statement. I now call on the distinguished representative of South Africa, Ambassador Selebi.

Mr. SELEBI (South Africa): Allow me to congratulate you on your assumption of the office of President of the Conference on Disarmament. As President of the Conference it will be your task to lead us in our work at this critical stage in our endeavour to achieve the comprehensive nuclear-test-ban treaty (CTBT). Please be assured of my delegation's full support.

I wish to take this opportunity to inform the Conference of a joint New Zealand/South Africa communiqué which was signed this morning on the occasion of the meeting between Prime Minister James Bolger and President Nelson Mandela in Cape Town. The section in the communiqué on "disarmament and arms control", which is incorporated in a Memorandum of Cooperation, reads as follows, and I quote:

"Memorandum of Cooperation on Disarmament and Arms Control

On behalf of our Governments and people we reaffirm the strong commitment of South Africa and New Zealand to achieving a world free of all weapons of mass destruction. We are pleased at the close cooperation between our two countries in the various international disarmament and non-proliferation fora, which will increase now that we are both full members of the Conference on Disarmament.

(Mr. Selebi, South Africa)

We also reaffirm that, following the conclusion of the comprehensive nuclear-test-ban treaty (CTBT) text through multilateral negotiations, our Governments intend to sign the treaty at the earliest opportunity. Our delegations to the Conference on Disarmament will work actively to support the Chairman of the negotiating committee in his endeavour to resolve the difficulties which the Conference is presently considering with regard to the Treaty. We call on all other countries to give their prompt support to the Treaty. Looking ahead, we confirm that our Governments will work for the commencement next year of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons.

Further steps are needed in the programme to bring the world closer to the ultimate goal of the elimination of nuclear weapons. We note that the parties to the Treaty on the Non-proliferation of Nuclear Weapons (NPT) have committed themselves to that goal, a commitment which was explicitly recognized in the recent Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons. In that context, the process of reviewing the NPT which commences next year provides a means for promoting the full implementation of the Treaty and the Principles and Objectives for Nuclear Non-Proliferation and Disarmament which were agreed at the time of the indefinite extension of the Treaty in May 1995.

We welcome the opening for signature on 11 April 1996 of the Pelindaba Treaty creating a nuclear-weapon-free zone in Africa and agree that it represents a milestone for the African continent. In the Pacific region, the end of nuclear testing had been marked by the signature of the protocols to the Treaty of Rarotonga by France, the United Kingdom and the United States. We affirm the objective of achieving a southern hemisphere free of nuclear weapons. Our Governments will work together with other like-minded countries with a view to developing increased cooperation between existing or prospective nuclear-weapon-free zones, which with the addition of Antarctica cover more than 50 per cent of the Earth's landmass.

As States parties to the Chemical Weapons Convention (CWC), South Africa and New Zealand reaffirm our Governments' full support for the Convention. We call on the United States and the Russian Federation, as the major declared possessors of chemical weapons, as well as other States, to ratify the Convention at the earliest opportunity. In addition, we look forward to the imminent sixty-fifth ratification, which will trigger entry into force and implementation of the Convention.

The Governments of South Africa and New Zealand also reaffirm our commitment towards strengthening the Biological Weapons Convention (BWC) by establishing a verifiable compliance regime for the Convention. To this end, our Governments will work together with other like-minded countries with a view to concluding successfully the ongoing negotiations in the BWC ad hoc group.

(Mr. Selebi, South Africa)

We share the international community's concern at the build-up of conventional weapons beyond the legitimate requirements of self-defence. To this end, we welcome the achievement of the Guidelines for International Arms Transfers which was agreed to at the 1996 session of the United Nations Disarmament Commission. We also call for a greater focus on conventional arms in all disarmament fora. All of the Member States of the United Nations are also encouraged to actively participate in and support the United Nations Arms Register. In view of the suffering and casualties caused by anti-personnel landmines to civilians, we call for the worldwide elimination of anti-personnel landmines. In alleviating this suffering, we are committed to reinforcing international cooperation for mine-clearance and the development of national capacities for mine clearance in mine-infested countries. We also support the development of effective demining and landmine detection capabilities.

We will continue to cooperate in various international arrangements dedicated to the non-proliferation of dual-use equipment and technologies which could be used in the development of weapons of mass destruction, and in discouraging any destabilizing build-up of conventional weapons.

Given the many interests our two Governments and peoples share in this area, we agree that periodic consultations should take place between our Governments on issues relating to disarmament and the non-proliferation of weapons of mass destruction."

In conclusion I also wish to take this opportunity of informing the Conference on Disarmament that the South African Government has decided to make a contribution to the start-up costs of the Preparatory Committee for the Comprehensive Nuclear-Test-Ban Treaty (CTBT). The necessary funds for this purpose have already been set aside.

Before giving up the floor, I would like to use this opportunity to raise one further issue. I would like to address the statement of the distinguished Ambassador of Egypt which was made on behalf of a number of members of the Conference on Disarmament regarding a "programme of action for the elimination of nuclear weapons".

We have studied the contents of the programme carefully. We, however, found ourselves unable to co-sponsor the working paper because of the linkage which it introduces between the immediate "and concurrent" commencement of negotiations and early conclusion of: a multilaterally negotiated legally binding instrument to assure non-nuclear weapon States against the use or threat of use of nuclear weapons; a convention prohibiting the use or threat of use of nuclear weapons; a treaty to eliminate nuclear weapons; and a treaty banning the production of fissile material for nuclear weapons. I clearly stated South Africa's principled position on the linkages issue when I addressed the Conference on 25 January 1996. At that time I stated that: "My delegation also believes it would be beneficial to our work if we approached our discussions on the agenda this year without relying on so-called linkages. Ever since they were raised at the end of 1994, linkages have led to a

disappointing lack of progress on issues which the Conference should address. Linkages are no doubt a neat way of avoiding progress on certain subjects, or of trying to ensure progress on others, but the result has instead been mostly to block progress on all fronts."

The PRESIDENT (translated from Spanish): I thank the distinguished representative of South Africa for his statement and for his kind words. I now call on the distinguished representative of India, Ambassador Ghose.

Ms. GHOSE (India): Sir, may I first of all convey to you our congratulations on your assumption of the presidency of the Conference on Disarmament. We are convinced that your dedication and wisdom will be a great asset in guiding the work of the Conference at this stage. May I also take the opportunity to convey our appreciation to Ambassador Munir Akram of Pakistan for the skill with which he presided over the Conference before you.

I am instructed to read to the CD an extract from the statement made by the Minister of External Affairs of India, Mr. I.K. Gujral, to both Houses of the Indian Parliament on 31 July 1996. I quote

> "India has taken a consistent and principled position on nuclear disarmament. This is why, since 1954, when Prime Minister Jawaharlal Nehru called for a ban on nuclear-weapon tests, we have urged that the CTBT must be seen as a first step on the road to nuclear disarmament. The approach taken by India in the CTBT negotiations therefore calls for a genuinely comprehensive CTBT with a view to ending future development of nuclear weapons and placing the CTBT in the framework of a step-by-step process of nuclear disarmament leading to the elimination of all nuclear weapons within a time-bound framework. Ongoing testing programmes, whether at test sites or in laboratories, are clear indications that the nuclear-weapon States are not willing to give up their reliance on their nuclear arsenals and consider CTBT merely as a non-proliferation measure.
>
> Such testing programmes inevitably give rise to questions relating to India's national security. While we have adopted the policy of restraint after demonstrating our capability, we remain fully conscious of the evolving security situation. We are committed to taking all steps necessary to enable us to cope with any threat that may be posed to the security of India."

On 28 June we received a text of a draft CTBT from the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker. My Government gave this text, contained in CD/NTB/WP.330/Rev.1, its most careful and detailed consideration. We examined if this treaty was the treaty which we had been mandated to negotiate by the CD and for which India had entered the negotiations two and a half years ago, participating in them constructively and with seriousness. It was with disappointment and regret that we noted that this text is not very different from the earlier working paper of the Chairman which had led us to state on 20 June that we could not sign the

treaty in that form. This text, while it does contain a treaty, does not contain the comprehensive test-ban treaty we had been mandated to negotiate, nor does it meet India's basic concerns. Therefore, our position as stated on 20 June not to sign this treaty in this form stands.

The present text not only ignores our substantive objections but also contains an article, article XIV, to which we have the strongest objections. The article, as it is presently drafted, not only totally disregards the fact that we have stated that we will not sign this treaty today, tomorrow or in three years' time, but seeks to enforce our signature by means unprecedented in treaty-negotiating practice in that it creates obligations for a country without its consent and therefore runs contrary to customary international law. We understand that this formula is not in accordance with the wishes of the majority of the delegations, who have but reluctantly accepted it, but has been retained because of the rigid positions adopted by a small number of delegations. Clearly, those who support this formula do not wish, for their own reasons, this treaty to come into force - ever. With a view to correcting this unacceptable situation, I had proposed an amendment to article XIV in the Ad Hoc Committee which would follow the precedent of the Chemical Weapons Convention. This proposed amendment reads:

> "This Treaty shall enter into force 180 days after the date of the deposit of the instruments of ratification by 65 States and no less than two years after its opening for signature."

I sincerely hope that it would be possible for the Ad Hoc Committee on a Nuclear Test Ban to accept a modification to the present text of article XIV. If, however, the present text is sought to be retained, I am instructed to inform the Conference that India would be reluctantly obliged to oppose such efforts. While we do not wish to prevent other countries from exercising their sovereign right to adopt a treaty to which they wish to accede, we cannot have our sovereign right not to sign the treaty taken away and accept obligations on India that we cannot and will not accept.

My delegation would commend to the members of the CD the amendment proposed by us to article XIV to enable a just and fair solution to one of the problems currently facing the Ad Hoc Committee.

India's commitment to global nuclear disarmament remains unchanged and undiminished. We will continue to work with like-minded countries towards that end. We have therefore, together with 28 other countries of the Group of 21 supported the phased programme for nuclear disarmament presented by the Coordinator of the Group of 21 today. It is a statement of our belief that work on a treaty on the total elimination of nuclear weapons must start urgently even more so in the present circumstances.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of India for her statement and for her kinds words. I now give the floor to the distinguished representative of Mexico, Ambassador de Icaza.

Mr. de ICAZA (Mexico) (translated from Spanish): I do apologize for taking the floor a second time and taking it again to speak on the programme of action for the elimination of nuclear weapons.

The position of the delegation of Mexico with regard to linkages is well known. Last year, when I had the honour of presiding over this Conference, I informed the Conference at the end of my term of office of my frustration over linkages and my opposition to them. This position will be found in the records of the meeting. My delegation does not think that there are express linkages in the outline for a programme of nuclear disarmament that it has co-sponsored. I could even say, since it fell to me to coordinate the consultations between delegations on this matter, that throughout the programme we have come up with consensus solutions respecting the positions of all the co-sponsoring delegations. If there had been in the programme linkages regarding institutional arrangements in the Conference on Disarmament, my delegation would not have been able to co-sponsor it. We are co-sponsoring it because we believe that there are none.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Mexico for his statement. I have no further speakers on my list for this morning. Would any delegation like to take the floor? The delegation of Seychelles has the floor.

Mr. ISEUX (Seychelles): First of all allow me to thank delegations for accepting the Republic of Seychelles to participate as observer in the work of the Conference on Disarmament. Allow me also to thank the secretariat for extending such a warm welcome to our delegation.

In my capacity as a new permanent representative of the Republic of Seychelles, allow me also to give an assurance to each and every one that I shall do my best to make the most positive contribution possible to the progress of the Conference and the completion of the comprehensive test-ban treaty.

I shall deliver the official statement of the Republic of Seychelles, and its reasons for its wish to participate in the Conference, at the next plenary meeting.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Seychelles for his statement and take this opportunity to welcome him as his country's representative to the Conference on Disarmament.

Does any other delegation wish to take the floor? Apparently not.

(The President)

At my request, the secretariat has distributed the tentative timetable of meetings for next week. It was drawn up in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban and, as usual, is merely indicative and can be changed if necessary. On that understanding, may I take it that the timetable is acceptable?

It was so decided.

The PRESIDENT (translated from Spanish): The next plenary meeting of the Conference on Disarmament will be held on Thursday, 15 August, at 10 a.m.

The meeting rose at 11 a.m.